18:00 1	FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION
3	UNITED STATES OF AMERICA ( NUMBER 3: 04-240-G
5	VERSUS (
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18:00 9	VOIR DIRE EXAMINATION
11	
12 13	APPEARANCES:
14 15	MR. BARRY JONAS MS. ELIZABETH SHAPIRO
16 17	UNITED STATES DEPARTMENT OF JUSTICE
18	Dallas, Texas 75242
20	
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## 18:00 PROCEEDINGS: 1 2 THE COURT: Thank you, Ladies and Gentlemen. 3 Thank you for being on time. I'm sorry we were not able 4 to start at nine o'clock, but apparently there was a delay 5 in the jury room in getting the list assembled for today's 6 session. 7 I believe we're ready to see Mr. Denton, Number 8 27 on the list from yesterday. Good morning, Mr. Denton. 9 VENIRE PERSON: Good morning. 10 THE COURT: Counsel for the parties have some 11 questions for you in this case. Mr. Westfall. 12 MR. WESTFALL: Thank you, Mr. Denton, I'm Greg 13 Westfall. I'm one of defense lawyers in this case. I am 14 going to talk to you just a few minutes, and I imagine 18:00 15 somebody from the government will be speaking with you. 16 This case -- You know what this case is? 17 VENIRE PERSON: Yes. 18 MR. WESTFALL: The Holy Land Foundation case. 19 VENIRE PERSON: Yes. 20 MR. WESTFALL: You are from Richardson. 21 you heard of there case before? 22 VENIRE PERSON: I have been reading about it in 23 the paper. 2.4 Recently? MR. WESTFALL: 25 VENIRE PERSON: Recently.

18:00	1	MR. WESTFALL: And before recently, had you ever
	2	heard of the case before?
	3	VENIRE PERSON: Yes.
	4	MR. WESTFALL: And based on what you have read
	5	or heard before, do you have any opinion about the guilt
	6	or innocence of the defendants?
	7	VENIRE PERSON: Yes.
	8	MR. WESTFALL: What is that?
	9	VENIRE PERSON: Guilty.
	10	MR. WESTFALL: Is there any way you can set that
	11	opinion aside?
	12	VENIRE PERSON: I don't think so.
	13	MR. WESTFALL: That's all. Thank you.
	14	THE COURT: Mr. Jacks, do you have questions for
18:00	15	Mr. Denton?
	16	MR. GARRETT: No questions, your Honor.
	17	THE COURT: Thank you, Mr. Denton. We are in
	18	the process of selecting jurors for this case, and I
	19	anticipate that process will last another day or two. So
	20	when you leave here today, you should not discuss the case
	21	with anyone or read or watch any media accounts about the
	22	case with anyone until you hear from us. Thank you.
	23	MR. WESTFALL: Your Honor, we move to strike Mr.
	24	Denton or actually submit him for a challenge, inability
	25	to be fair and impartial. He has pre-judged the case.

18:00 THE COURT: Any objection? 1 2 MR. GARRETT: No objection. 3 THE COURT: We're ready to see next Mr. Gregory 4 Griffin. I'm sorry. Gregory Griffin is the one I 5 referred to yesterday afternoon who was excused because he 6 was in Collin County. So the next one would be Samantha 7 Ritz. MS. MORENO: Good morning, Ms. Ritz. My name 9 is Linda Moreno, and I'm a defense attorney in this case. 10 I am going to ask you about some of the answers 11 you put on your questionnaire. Do you remember filling 12 out that questionnaire all of those months ago? 13 VENIRE PERSON: Yes, sir. 14 MS. MORENO: This is a case that involves the 18:00 15 Holy Land Foundation. This is an American Muslim charity 16 that the government alleges materially supported this 17 foreign terrorist organization, HAMAS. Okay? I want to 18 know, just hearing that, if you have heard anything or 19 read anything in the media recently or in the past that 20 brings up this case. 21 VENIRE PERSON: I did. It actually started a 22 few days ago, but I wasn't for sure that's what I was 23 doing. But I have. 2.4 MS. MORENO: Here you are. 25 VENIRE PERSON: Yes, ma'am.

18:00 15

VENIRE PERSON: Just that they were funding money to certain terrorist acts, and it's been years.

MS. MORENO: Do you recall what you heard?

They have been under investigation for years, like 1994, 1995 maybe.

MS. MORENO: And in hearing that, did that raise any red flags for you, any concerns, any opinions that you may have about this case?

VENIRE PERSON: It did at first because I was wondering why it took so long to come out. But it is kind of crazy.

MS. MORENO: Let's talk about that. There are no right or wrong answers to the questions I'm asking you or the government asks. But we need to try to understand and find jurors who have no prejudices, no fears about sitting on a case like this because that would be the fair thing for these gentlemen. Okay? So you have used the word "scary." Talk to me about that. As you sit here knowing this is a case involving terrorism-related charges, do you have any fears, apprehensions?

VENIRE PERSON: I mean I do. It's in the newspapers every day. You drive to work every day. You never know when something is going to land in your front yard. It's not like a safe world when I was growing up as a child. You can't even walk to the store anymore without

18:00 being mugged or somebody picking you up on the street or 1 2 somebody is going to shoot you driving down the road 3 because they didn't like the color of your skin. 4 MS. MORENO: I understand, and I'm sure many 5 people have those same opinions and ideas. Given what you 6 are feeling right now, could you honestly put those 7 feelings aside and promise these gentlemen that you can fairly and in a just fashion evaluate the evidence in this 9 case? 10 VENIRE PERSON: No, ma'am. Not as a mother. 11 Not as a mother with two children growing up in a world 12 where they have to go through metal detectors to go to 13 school. 14 MS. MORENO: I understand. And there is nothing 18:00 15 that anyone in this courtroom can say to you that will 16 force you to put aside those opinions. Isn't that right? 17 VENIRE PERSON: Yes, ma'am. 18 THE COURT: Mr. Nathan, do you have questions? 19 MR. GARRETT: Just a couple. 20 Good morning. My name is Nathan Garrett, and 21 I'm an Assistant United States Attorney and one of the 22 prosecutors in this case. Just a couple of questions to 23 follow-up on. You stated that you are married. Is that 2.4 correct? 25 VENIRE PERSON: Yes, sir.

18:00	1	MR. GARRETT: What does your husband do?
	2	VENIRE PERSON: He took care of his invalid
	3	mother until two weeks ago when she passed away.
	4	MR. GARRETT: I'm sorry for that. You are an
	5	VENIRE PERSON: Optometric tech?
	6	MR. GARRETT: What does an optometric tech do?
	7	VENIRE PERSON: We do all the work for the
	8	doctor testing, dispensing of contact lenses and so
	9	forth.
1	LO	MR. GARRETT: How long have you been doing that?
1	L1	VENIRE PERSON: Twelve years.
1	L2	MR. GARRETT: And you have two children, twelve
1	L3	years old and eight years old. Is that correct?
1	L 4	VENIRE PERSON: Yes, sir.
18:00 1	L5	MR. GARRETT: And you have lived in this area
1	L6	for thirteen years. Is that right?
1	L 7	VENIRE PERSON: Yes, sir.
1	L 8	MR. GARRETT: And where did you live before this
1	L9	area?
2	20	VENIRE PERSON: I lived in Liberty, Texas,
2	21	between Houston and Beaumont.
2	22	MR. GARRETT: I'm sorry. Where?
2	23	VENIRE PERSON: Between Houston and Beaumont.
2	24	MR. GARRETT: And you haven't had any jury
2	25	service?

18:00	1	VENIRE PERSON: No, sir, I have been pooled for
	2	jury service the last three years.
	3	MR. GARRETT: Do you mean similar to here? You
	4	come to a big group, but you have never actually been
	5	selected to sit and listen to a trial?
	6	VENIRE PERSON: Both cases have been dismissed
	7	before we got in the room.
	8	MR. GARRETT: Were those criminal or civil or do
	9	you know?
	10	VENIRE PERSON: Petty, really.
	11	MR. GARRETT: But you never served?
	12	VENIRE PERSON: No, sir.
	13	MR. GARRETT: Ms. Moreno asked you some
	14	questions about your fears, and it sounds like you have
18:00	15	fears about crime generally. Is that right?
	16	VENIRE PERSON: Yes.
	17	MR. GARRETT: And you said that came from being
	18	the mother of two children.
	19	VENIRE PERSON: That's correct.
	20	MR. GARRETT: And you also told Ms. Moreno that
	21	concern, that fear you thought would impact your ability
	22	to sit fairly in this case or be able to judge these
	23	defendants.
	24	VENIRE PERSON: That's correct.
	25	MR. GARRETT: So are you telling me if the Judge

18:00	1	instructs you to presume they are innocent Do you know
	2	what presumption of innocence is?
	3	VENIRE PERSON: Yes.
	4	MR. GARRETT: What does it mean?
	5	VENIRE PERSON: In laymen's terms that they have
	6	to prove their guilt beyond a reasonable doubt.
	7	MR. GARRETT: That's our burden to carry.
	8	Unless and until we prove these defendants' guilt beyond a
	9	reasonable doubt, you cannot find them guilty. Do you
	10	understand that?
	11	VENIRE PERSON: Yes.
	12	MR. GARRETT: Do you think that's a fair and
	13	just right they have?
	14	VENIRE PERSON: As long as they are United
18:00	15	States citizens.
	16	MR. GARRETT: So, do you feel differently if
	17	they are not United States citizen?
	18	VENIRE PERSON: In some cases I do. They are
	19	here. Unless they have taken the test to become United
	20	States citizens, I really don't think they should reap
	21	what we have. I know that sounds really bad, but we have
	22	worked all of our lives to get what we have now.
	23	MR. GARRETT: Does that include in your
	24	assessment of that And that is fair. We all appreciate
	25	your honesty, and as Ms. Moreno said there is no right and

18:00 1 wrong here. This is your opportunity to be honest about how you feel. Does that include people who may be here 2 3 legally, although not citizens? 4 VENIRE PERSON: As long as they are here legal. 5 MR. GARRETT: I know these are terms you may not 6 be familiar with. Lawful citizens, legal aliens or 7 residents. VENIRE PERSON: Yes. 9 MR. GARRETT: Do you think regardless of the 10 circle they are in of those terms that they should enjoy 11 those Constitutional protections? 12 VENIRE PERSON: Yes. 13 MR. GARRETT: Does that include the 14 Constitutional protection of presumption of innocence? 18:00 15 VENIRE PERSON: Yes. 16 MR. GARRETT: And so would you be able to judge 17 these defendants and give them that presumption of 18 innocence? That is, the government is required to prove 19 their guilt. They are not required to prove anything. We 20 have to prove their guilt beyond a reasonable doubt. 21 that something you can do? 2.2 VENIRE PERSON: I can try. 23 MR. GARRETT: Well, I need to know if that's 24 something you can do. We want fair jurors, and that's all 25 we're trying to get to.

18:00 15

VENIRE PERSON: To be honest with you, I don't know. Growing up if you went to court, I mean there was a reason why you got there. I was raised old school. So it was totally different. My parents believed you went to court, you were guilty, regardless. And unfortunately, those stick with you as an adult. Do I say they are guilty? No. I don't know the individuals. I don't know who they are. And coming from a big town, you don't know your neighbors like a small town.

MR. GARRETT: Thank you. I appreciate your honesty.

THE COURT: Ms. Ritz, we are in the process of talking with persons in the pool from which the jury in this case will be selected. I anticipate that process will go on for at least another day or two. So until you hear from us further, you should not discuss this case with anyone or allow anyone to discuss it with you. Nor should you read or watch or listen to any media accounts about the case. Thank you. You may rejoin the others in the hall.

MS. MORENO: Your Honor, on behalf of defendants, we would move to strike this defendant for cause. She was very articulate, your Honor. She recited a litany of fears from metal detectors to being shot. She used words like "scary" and "frightened," and she was

18:00 15

asked if they could afford these gentlemen the presumption of innocence. She was very clear and unambiguous that she could not, and when the government asked her again if she could do that she said I don't know, and she went into her background which included the notion that if you come to trial you must be guilty. So we think those are adequate grounds for cause.

THE COURT: Mr. Garrett.

MR. GARRETT: No objection, your Honor.

THE COURT: I will grant the challenge for cause to Ms. Samantha Ritz.

MR. JACKS: Your Honor, at this time the government would like to voice an objection. We would object to -- We have let it go on for some time but to the form of the questions being put forth by defense counsel. The purpose of this exercise is to determine whether there is any reason that these jurors cannot be fair and impartial and determine their qualifications. And a lot of these questions almost are in the nature of a civics course which I don't believe is the purpose of this exercise, and in addition -- particularly the leading questions. I think this particular objection was prompted by Ms. Moreno when she basically told the juror so nothing else anybody said to you in the courtroom is going to change your mind on that. That's not really letting the

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THE COURT: I'm still having a hard time getting

juror express their opinion or view. That's Ms. Moreno stating her opinion and getting the witness or juror to agree with it, and we would ask the Court to restrict the type of questions so that they are legitimate questions and not questions that are essentially putting the answer that the attorney wants to receive in the form of a leading question. I don't believe that's proper, your Honor.

THE COURT: Well, I agree with you about leading questions generally during this process, Mr. Jacks, but I'm a little unclear about the nature of the questions that you said were little more than civics lessons. I'm not sure what you have in mind.

MR. JACKS: Well, that was an unclear statement on my part, your Honor. Certain questions almost seem like you are asking legal questions of a juror which unless they are lawyers there is no way they are going to know. I'm not talking about the burden of proof or presumption of innocence. But there are certain other questions that I think most people would agree that they are not within the realm of a lay juror, and as such I think they are unfocused as a consequence. The question is so open that the juror really has no information about, well, what are you asking me about.

18:00 15

down the specifics of an example of what you are talking.

MR. JACKS: All right. Your Honor, I will point it out if it happens again or I see an example that is illustrative of that point.

MS. MORENO: Your Honor, I just wish to say that there is no legal authority that Mr. Jacks can cite that prevents leading questions in voir dire. In fact, in certain instances that is the only way to elicit honest answers from the jurors and with respect to the civics lesson, your Honor, with every single juror yesterday Mr. Jacks ended his question with a long question on the law, and often the jurors were confused about that. So I would take exception to his characterization of this process by the defense.

THE COURT: I agree with you, Ms. Moreno, in that I don't think I can prohibit leading questions, but I think everyone involved, defense side and government's side, that the primary purpose of this process is to allow us to understand the opinions and concerns and questions and fears of these prospective jurors, and everyone would also agree that you don't obtain that generally by asking leading questions as opposed to open-ended questions. So I would encourage counsel to the extent possible to ask open-ended rather than leading questions. I don't think that we will benefit from this expenditure of time as much

18:00 1 if we don't do it that way. I think we're ready to see next Mr. Tillman 2 3 Johnson, Jr. 4 Good morning, Mr. Johnson. Counsel for the 5 parties in this case have some questions they would like 6 to ask. 7 MR. WESTFALL: Good morning, I'm Greg Westfall. 8 I'm one of the lawyers in this case. I am going to speak 9 with you for a few minutes, and then one of the lawyers 10 for the government will get up and speak with you. 11 you doing okay? 12 VENIRE PERSON: Yes. 13 MR. WESTFALL: All right. Do you know what case this is? 14 18:00 15 VENIRE PERSON: No, I don't. 16 MR. WESTFALL: This is the Holy Land Foundation 17 case is what it's come to be called. It's the United 18 States versus the Holy Land Foundation for Relief and 19 Development. And it is a case where the government 20 alleges that the Holy Land Foundation and some individuals 21 who work with the Holy Land Foundation gave material 22 support to a foreign terrorist organization, that being 23 HAMAS. Having told you that, does that ring any bells? 24 VENIRE PERSON: I think it happened a few years 25 back. I seen it flash across the news. That was

18:00	1	basically it.
	2	MR. WESTFALL: Anything about any of that
	3	coverage caused you to form an opinion as to guilt or
	4	innocence?
	5	VENIRE PERSON: No.
	6	MR. WESTFALL: Seems like you have a lot of
	7	family in the police department.
	8	VENIRE PERSON: Yes.
	9	MR. WESTFALL: What departments are they in?
	10	VENIRE PERSON: My brother is a Hutchinson
	11	police officer, and my sister is a corporal for the Dallas
	12	PD, and my other sister works for the direct entry clerk
	13	where she actually places calls for auto thefts or missing
	14	people, to get the call to come out to dispatch the
18:00	15	officer.
	16	MR. WESTFALL: Is she a dispatcher?
	17	VENIRE PERSON: She's more
	18	MR. WESTFALL: Data entry.
	19	VENIRE PERSON: With a number where the
	20	detective can come out and see you and you give the
	21	information to the detective.
	22	MR. WESTFALL: Were you inclined to go in law
	23	enforcement for yourself?
	24	VENIRE PERSON: When I was working for the city
	25	I thought about it, and I found a job in a department

18:00 1 elsewhere. So I took the other job. MR. WESTFALL: Now, in this case name appears 2 3 the word terrorism, material support of terrorism. Okay? 4 VENIRE PERSON: Okay. 5 MR. WESTFALL: And what that means is the 6 allegation that there was some goods given with the intent 7 to benefit this terrorist organization. So we're not talking about a direct terrorist incident, but nonetheless 8 9 it has that word "terrorist" in the name. How do you feel 10 about being on a jury that is dealing with those kinds of 11 issues in a criminal case? 12 VENIRE PERSON: I can't really express how I 13 would feel. I know when this is happening it's someone's 14 loved ones that is possibly in harm's way, and if that 18:00 15 person were to be captured, I would feel good. That's my 16 basic opinion as far as terrorism, just being straight. 17 MR. WESTFALL: So you have no personal 18 reservations like fear or otherwise about being on the 19 jury? 20 VENIRE PERSON: No. 21 MR. WESTFALL: Do you know any Muslims? 22 VENIRE PERSON: When I was in the military I was 23 stationed with one. He was in our unit. 2.4 MR. WESTFALL: Where were you stationed? 25 VENIRE PERSON: Over in Germany for two years.

18:00	1	MR. WESTFALL: Were you in the army?
	2	VENIRE PERSON: Yes.
	3	MR. WESTFALL: What did you do?
	4	VENIRE PERSON: I was a communication
	5	specialist.
	6	MR. WESTFALL: What's your MOS?
	7	VENIRE PERSON: 31 Uniform.
	8	MR. WESTFALL: And you actually worked with a
	9	practicing Muslim?
	10	VENIRE PERSON: No, I didn't work with a
	11	practicing Muslim. We associated, spoke, we sit and have
	12	lunch together, and we discuss what his job was, and I
	13	would discuss my job in the military with him as far as
	14	training over the radios and what would be a certain part
18:00	15	as far as he would be doing in the field.
	16	MR. WESTFALL: And have you all ever kept in
	17	touch since then?
	18	VENIRE PERSON: No. Just during the course that
	19	we were stationed together.
	20	MR. WESTFALL: How long were you together?
	21	VENIRE PERSON: About a year and a half.
	22	MR. WESTFALL: That sounds like it was a good
	23	relationship.
	24	VENIRE PERSON: Oh, yeah, just speaking with him
	25	I learned about his culture, where he grew up and how it

18:00	1	was for him coming up, and I told him where I lived, about
	2	Texas and everything, and I could understand a place I
	3	will probably never get a chance to go.
	4	MR. WESTFALL: Where was he from?
	5	VENIRE PERSON: Bangladesh.
	6	MR. WESTFALL: How long have you been a mail
	7	handler?
	8	VENIRE PERSON: A little over a year.
	9	MR. WESTFALL: Do you like it?
	10	VENIRE PERSON: Oh, yes, love it.
	11	MR. WESTFALL: Mr. Johnson, thank you so much
	12	for speaking with me.
	13	THE COURT: Mr. Garrett, do you have questions
	14	of the witness?
18:00	15	MR. GARRETT: Yes, your Honor. Mr. Johnson,
	16	good morning. My name is Nathan Garrett, and I'm
	17	Assistant United States Attorney and one of the
	18	prosecutors on this case. I just have a few questions for
	19	you, a follow-up on Mr. Westfall's questions, and I may
	20	repeat a question or two so forgive me for that. I'm
	21	going through a lot of questionnaires. You are married?
	22	VENIRE PERSON: Yes.
	23	MR. GARRETT: Does your wife work outside the
	24	home?
	25	VENIRE PERSON: Yes.

18:00	1	MR. GARRETT: What does she do?
	2	VENIRE PERSON: She's a receptionist for a
	3	commercial metal corporation.
	4	MR. GARRETT: How long has she been working
	5	there?
	6	VENIRE PERSON: I believe over ten years.
	7	MR. GARRETT: Good. You have two children, is
	8	that right, a sixteen year old and a six year old?
	9	VENIRE PERSON: Yes.
	10	MR. GARRETT: Big spread. You mentioned on your
	11	questionnaire, which is what I'm using to go by that you
	12	have lived here about twelve years. Is that right?
	13	VENIRE PERSON: Yes.
	14	MR. GARRETT: In this area about twelve years.
18:00	15	VENIRE PERSON: Yes, in Dallas.
	16	MR. GARRETT: Before that, where did you live?
	17	VENIRE PERSON: I got out of the military and I
	18	went back home for probably about four months, and then I
	19	moved here. East Texas, Mount Pleasant.
	20	MR. GARRETT: Where is home?
	21	VENIRE PERSON: Mount Pleasant, East Texas.
	22	MR. GARRETT: You mentioned you were in the
	23	military, that you were in communications. Is that right?
	24	VENIRE PERSON: Yes.
	25	MR. GARRETT: And what years did you serve?

18:00	1	VENIRE PERSON: From 1989 until 1994 I believe.
10.00	2	MR. GARRETT: Was that all active duty or was
	3	there reserve time in there as well?
	4	VENIRE PERSON: That was on active duty.
	5	MR. GARRETT: Was that in Germany?
	6	VENIRE PERSON: Yes, I spent two years in
	7	Germany.
	8	MR. GARRETT: Where?
	9	VENIRE PERSON: Hannover.
	10	MR. GARRETT: How did you like Hannover?
	11	VENIRE PERSON: I loved it.
	12	MR. GARRETT: It was nice to come home?
	13	VENIRE PERSON: It was nice to come back to the
	14	States, but while I was there those two years, I enjoyed
18:00	15	it. I got to travel.
	16	MR. GARRETT: Europe or other places?
	17	VENIRE PERSON: Yes, sir.
	18	MR. GARRETT: Where did you travel?
	19	VENIRE PERSON: Other than doing field exercise
	20	we took a trip to Barcelona, Spain.
	21	MR. GARRETT: You mentioned to Mr. Westfall that
	22	you are a mail handler.
	23	VENIRE PERSON: Yes.
	24	MR. GARRETT: What did you do between your
	25	military and the time you work for the post office?

Amrep Chemical Plant. And I worked for TCI Cable, worked for Brinks Home Security as an installer, a  I went to the City of Dallas for nine and a half	
	and then
I went to the City of Dallas for nine and a half	
	years and
I ended up at the post office.	
6 MR. GARRETT: What did you do at the Cit	ty of
7 Dallas?	
VENIRE PERSON: I did the first four and	d a half
years as a boiler inspector, went out and inspecte	ed the
infrastructure of storm drains, and the last part,	, five
11 years, with the Dallas Water Utilities as a field	service
12 rep.	
MR. GARRETT: And during your time works	ing for
the City of Dallas, did you know Mufid Abdulqader	?
18:00 15 VENIRE PERSON: Who?	
MR. GARRETT: Any of the defendants seat	ted here?
VENIRE PERSON: No, sir.	
MR. GARRETT: And I believe I'm correct	that you
19 have not had any prior jury service.	
VENIRE PERSON: Yes.	
MR. GARRETT: When you say jury service,	, does
that mean you have never even been called down to	the
courthouse like you have today, not even in a big	jury
24 pool?	

18:00	1	yes, but I was released.
	2	MR. GARRETT: Here in the federal court or state
	3	court?
	4	VENIRE PERSON: State court, George Allen
	5	Building.
	6	MR. GARRETT: How many times did that happen to
	7	you?
	8	VENIRE PERSON: I think that was just once.
	9	MR. GARRETT: I am going to ask you about your
	10	questionnaire, and I know you haven't seen it in a few
	11	weeks, and I know it's not very fair of me. You marked on
	12	the questionnaire that you do not speak Arabic or Hebrew.
	13	Is that right?
	14	VENIRE PERSON: That's correct.
18:00	15	MR. GARRETT: But on the question beneath that
	16	it says if you do speak Arabic or Hebrew would you have
	17	trouble relying on transcripts of translators. Did you
	18	mean to do that or was that a mistake?
	19	VENIRE PERSON: That was a mistake.
	20	MR. GARRETT: Would you have any problem if a
	21	translator's transcript was admitted in evidence? If you
	22	didn't speak the language, would you have any trouble
	23	accepting that?
	24	VENIRE PERSON: No.
	25	MR. GARRETT: Mr. Westfall talked to you a

18:00 little bit about the case, and the case involved 1 2 allegations that these defendants were providing material 3 support to a foreign terrorist organization. 4 organization is HAMAS. Have you heard of the HAMAS 5 terrorist organization? 6 VENIRE PERSON: Just like scanning through the 7 channels, something catch my eye for a minute. Keep scanning the channels. Nothing that I can say I would 9 pick up the paper and read and get into a conversation 10 with anyone else about what was going on. 11 MR. GARRETT: You don't follow what's going on 12 over in the Middle East that closely? VENIRE PERSON: Well, see what's happening and 13 14 I might see what the weather would be like for 18:00 15 that day or traffic is backed up over here or --16 MR. GARRETT: Something that affects your life? 17 VENIRE PERSON: That's basically going on in the United States. 18 19 MR. GARRETT: And as Mr. Westfall said, this 20 allegation is material support, and I expect there to be 21 evidence that material support was in the form of money 22 that went overseas to support HAMAS. And the evidence may 23 show that some of that money that went over was spent on 2.4 what you might think of as humanitarian supplies --25 medical supplies, school books, that sort of thing. And

18:00 at the end of the case the judge is going to tell you at 1 the end of case what the law is. 2 3 THE COURT: Mr. Garrett, your time has expired. Mr. Johnson, we're still in the process of 4 5 selecting the jury to hear this case, and I expect that 6 process to continue for at least another day or two. 7 After you leave here today, until you hear from us again, you should not discuss this case with anyone or allow anyone to discuss it with you. Nor should you read or 9 10 watch or listen to any media accounts of this case if 11 there are any. Thank you. You may rejoin the others in 12 the hall. 13 Thank you, your Honor. VENIRE PERSON: 14 THE COURT: Good morning, Ms. Lopez. Counsel in 18:00 15 this case have some questions they would like to ask you. 16 MS. MORENO: Good morning, Ms. Lopez. My name 17 is Linda Moreno, and I'm one of the defense attorneys in 18 this case. I am going to ask you some questions about 19 your answers from the questionnaire you filled out months 20 Do you remember that? 21 VENIRE PERSON: Yes. 22 MS. MORENO: And I am going to ask you if you have heard about this case before in the media. 23 2.4 VENIRE PERSON: No. 25 MS. MORENO: Let me tell you what it is.

18:00 1 is a case involving an American Muslim charity, the Holy 2 Land Foundation, and I'm wondering if you have heard 3 anything about the Holy Land Foundation going to trial, 4 either in the news, on TV, on the radio or newspapers. VENIRE PERSON: No, I have not. 6 MS. MORENO: All right. There is no right or 7 wrong answers here. What we're trying to find out is if 8 there is anything that concerns you about sitting on a 9 case like this or if you have any preconceived notions or 10 opinions that would be important for us to know to 11 determine whether you would be a fair juror for this case. 12 Okay? 13 VENIRE PERSON: The only concern I have is my 14 job right now. 18:00 15 MS. MORENO: Let's talk about that. This case 16 may take three to four months, perhaps less, perhaps more. 17 It's not clear now. I see that you work in patient 18 registration at the hospital. 19 VENIRE PERSON: Yes. 20 MS. MORENO: Why don't you tell us what your 21 concerns are about serving this long. 22 VENIRE PERSON: My supervisor is pregnant, and she's going to be on leave in a couple of weeks, and we're 23 2.4 very concerned about if I am chosen what kind of coverage

we're going to have in the department. She's a

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18:00	1	aumany i aan and IIm a taam laadan
18:00		supervisor, and I'm a team leader.
	2	MS. MORENO: Is there anyone else who could do
	3	your job while you are away for three or four months?
	4	VENIRE PERSON: I'm pretty sure they can find
	5	someone else. They might not want to, but it's a pretty
	6	wide department that they could find someone to do that.
	7	MS. MORENO: Do you have any concerns about
	8	getting paid during your service?
	9	VENIRE PERSON: No. I heard we do. I have
	10	already talked to my human resources department, and they
	11	told me that I will get paid.
	12	MS. MORENO: So, is there anything about the
	13	supervisor being pregnant and worrying about coverage that
	14	would cause you distraction in a three- to four-trial?
18:00	15	Would you be worried about that and not able to pay
	16	attention to what was going on in the case?
	17	VENIRE PERSON: Not necessarily. If I'm here
	18	away from work, no. Maybe after I go back.
	19	MS. MORENO: You speak Spanish?
	20	VENIRE PERSON: I do. I'm fluent.
	21	MS. MORENO: And your husband was born in
	22	Mexico?
	23	VENIRE PERSON: Yes.
	24	MS. MORENO: And you have also lived in Mexico?
	25	VENIRE PERSON: Yes.

18:00 MS. MORENO: You are familiar with translations 1 2 of, say, Spanish into English. You have heard that 3 probably your whole life. Is that right? 4 VENIRE PERSON: Yes. 5 MS. MORENO: Have you ever experienced words 6 being translated accurately but the meaning is wrong? 7 Have you ever heard that? 8 VENIRE PERSON: Yes, I can't remember exactly 9 right now, but yes. 10 MS. MORENO: Where the word for word was 11 translated accurately but the whole sense or meaning of 12 the conversation was wrong, have you had that experience? 13 VENIRE PERSON: Yes, I have. One word that 14 totally converts the sentence to another one, yes. 18:00 15 MS. MORENO: Can you think of any examples? 16 MR. JACKS: Judge, I object to this. This has 17 nothing to do with her qualifications. 18 THE COURT: Overruled. 19 MS. MORENO: You can answer. 20 VENIRE PERSON: One time we were registering a 21 patient. I was helping her apply for a government fund, 22 and the interpreter came along. Although I speak Spanish, 23 I'm not allowed to interpret. That's not my job unless a 2.4 patient is being registered. So at this time the patient 25 was not being registered. And I believe the interpreter

18:00	1	asked her a question and she answered and said Can I
	2	speak Spanish?
	3	THE COURT: Sure.
	4	VENIRE PERSON: She was trying to say she's
	5	bothering me in Spanish, and the interpreter said she was
	6	molested. And that's totally different.
	7	MS. MORENO: Let me tell you a little bit about
	8	this case. This is a case involving an American Muslim
	9	charity, and this charity the government claims materially
	10	supported a foreign terrorist organization called HAMAS.
	11	Have you ever heard of HAMAS?
	12	VENIRE PERSON: No.
	13	MS. MORENO: Is there anything about what I just
	14	said about terrorism-related charges that causes you
18:00	15	concern? I don't think I want to be here? Do any red
	16	flags come up for you?
	17	VENIRE PERSON: Well, I know that's a very
	18	important word, no.
	19	MS. MORENO: In any criminal case in this
	20	country, the government has the burden of proof, and they
	21	have to prove the case beyond every reasonable doubt.
	22	Have you heard of that concept?
	23	VENIRE PERSON: I think I have before.
	24	MS. MORENO: In other words, if you have a
	25	single reasonable doubt, you cannot vote guilty in a case.

18:00 1 Do you understand that? VENIRE PERSON: 2 Yes. 3 MS. MORENO: Do you think in a case involving 4 allegations of terrorism that burden of proof should be 5 less? In other words, do you think, well, terrorism is a 6 serious charge. Maybe if I just had one small reasonable 7 doubt I could still vote guilty. VENIRE PERSON: I guess I didn't understand your 8 9 question a hundred percent. 10 MS. MORENO: In any case the government has the 11 burden of proof, and this proof means that they must take 12 away every single reasonable doubt that you as a juror 13 would have. I'm asking you, do you think because this is 14 a case involving terrorism that they should have a 18:00 15 different burden of proof because the charges they say are 16 so serious? 17 VENTRE PERSON: No. 18 THE COURT: Ms. Moreno, your time has expired. 19 Mr. Garrett, do you have questions for Ms. Lopez? 20 MR. GARRETT: Yes, your Honor. 21 MR. GARRETT: Ms. Lopez, good morning. My name 22 is Nathan Garrett, and I'm an Assistant United States 23 Attorney, and I'm one of the prosecutors representing the 24 government in this case. I just have a few follow-up 25 questions for you. Okay? I look at your questionnaire,

18:00	1	and I know you filled it out sometime ago. Is that
	2	correct?
	3	VENIRE PERSON: Yes.
	4	MR. GARRETT: You are married?
	5	VENIRE PERSON: Yes.
	6	MR. GARRETT: And where does your husband work?
	7	VENIRE PERSON: Same company I work for, UT
	8	Southwestern Medical Center.
	9	MR. GARRETT: And what does he do?
	10	VENIRE PERSON: He's a sheet metal worker.
	11	MR. GARRETT: And how long has he worked there
	12	with you?
	13	VENIRE PERSON: Five years.
	14	MR. GARRETT: And you have worked there?
18:00	15	VENIRE PERSON: Seven years next month.
	16	MR. GARRETT: What did you do before working
	17	there?
	18	VENIRE PERSON: I previously worked for a bank,
	19	and I have done also some bookkeeping-type services.
	20	MR. GARRETT: And I think you said you worked
	21	for a bank in your questionnaire. What did you do for the
	22	bank?
	23	VENIRE PERSON: I was a teller.
	24	MR. GARRETT: And how long did you work for the
	25	bank?

18:00	1	VENIRE PERSON: It was less than a year. From
	2	January 1999 to December 1999.
	3	MR. GARRETT: And you have two small children;
	4	is that right?
	5	VENIRE PERSON: Yes.
	6	MR. GARRETT: Six year old and one year old.
	7	VENIRE PERSON: Almost six, yes. Five.
	8	MR. GARRETT: You both work. So I'm assuming
	9	you have some sort of care for them.
	10	VENIRE PERSON: Yes.
	11	MR. GARRETT: So that wouldn't present any kind
	12	of problem for you in this case, correct?
	13	VENIRE PERSON: No, no problem.
	14	MR. GARRETT: You mentioned And I couldn't
18:00	15	make it out. Number 14 question asked about civic or
	16	social institutions that you are involved in and something
	17	about your soccer team.
	18	VENIRE PERSON: Oh, yes, I'm a team mom.
	19	MR. GARRETT: I guess I can imagine. Tell me
	20	what a team mom is.
	21	VENIRE PERSON: I just help coach. It's not an
	22	assistant coach because I don't help with practice. I
	23	help the coach order uniforms and organize parties and our
	24	soccer team.
	25	MR. GARRETT: That's your soccer team?

18:00	1	VENIRE PERSON: No. I have been with this coach
	2	for a year.
	3	MR. GARRETT: Do you play?
	4	VENIRE PERSON: No, it's for my son.
	5	MR. GARRETT: You also marked that you had a
	6	legal assistant certificate; is that right?
	7	VENIRE PERSON: Yes.
	8	MR. GARRETT: Can you tell me a little bit about
	9	what that is?
	10	VENIRE PERSON: I went to technical school back
	11	in 1988, and it took me six or seven months to finish the
	12	course, and I graduated with a legal assistant.
	13	VENIRE PERSON: I have never worked as a legal
	14	assistant.
18:00	15	MR. GARRETT: But you have the certificate?
	16	VENIRE PERSON: Yes.
	17	MR. GARRETT: All right. Fantastic. In
	18	response to Ms. Moreno's question about the translation
	19	issue, you recounted an experience that you have had on
	20	translation with Molestation translation. What was the
	21	Spanish word?
	22	VENIRE PERSON: Molesta.
	23	MR. GARRETT: You obviously speak English very
	24	well. If you were translating that would you say molested
	25	or what would you say?

18:00	1	VENIRE PERSON: No. Bothering. She didn't want
	2	to bother her family members.
	3	MR. GARRETT: So from Spanish to English the
	4	word is bother or disturb?
	5	VENIRE PERSON: Yes.
	6	MR. GARRETT: So that's a proper translation. I
	7	don't think you speak Arabic or Hebrew.
	8	VENIRE PERSON: No.
	9	MR. GARRETT: But I expect there will be
	10	translations of those documents or audio tapes or
	11	something. There will be translations admitted in
	12	evidence of those particular documents or tapes,
	13	translations either from Arabic or Hebrew into English.
	14	My question for you is, would you have any problem based
18:00	15	on your experience that you just recounted for us relying
	16	on those translations of a language you don't speak?
	17	VENIRE PERSON: No. If they are made by someone
	18	that knows the language, no.
	19	MR. GARRETT: And also Ms. Moreno asked you
	20	about reasonable doubt. You understand by reasonable
	21	doubt it's any reasonable doubt you have related to this
	22	case. You understand that?
	23	VENIRE PERSON: Yes.
	24	MR. GARRETT: But that's our burden that we have
	25	to prove to you beyond a reasonable doubt with regard to

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the evidence presented in this case. Do you understand that burden on us?

> VENIRE PERSON: Yes, I do.

MR. GARRETT: I expect in this case there is going to be evidence and allegations by the government that these defendants knowingly supported a foreign terrorist organization. That organization is HAMAS. you familiar with the HAMAS organization?

VENIRE PERSON: No, I'm not.

MR. GARRETT: At the end of the case the judge is going to give you instructions on the law, what the law is. You don't have to guess. The facts as to the law, that's all you. But at the end he would give you instructions on what the law is, and I expect there to be allegations that these defendants sent money over to organizations overseas that the government alleges -- and we will ask you to find -- that the government alleges are part of the HAMAS organization. And I expect the Judge will instruct you that money is one of those material supports to a foreign terrorist organization. But there may be evidence that some of that money was used to buy what you think of as humanitarian things like library supplies or medical supplies or that sort of thing, and I expect the Judge to tell you that even if you find there were humanitarian items that went to the terrorist

18:00 1 organization, that is illegal. Do you have a problem with 2 that? 3 VENIRE PERSON: No. MR. GARRETT: Could you follow the law that even 4 5 if there were humanitarian items purchased with that money that constitutes a violation? 6 7 VENIRE PERSON: Yes. MR. GARRETT: Thank you very much for your time. 8 9 THE COURT: Ms. Lopez, we are talking to members 10 of the pool from which the jury will be selected in this 11 case, and I expect that process to continue for at least 12 another day or two, and when you leave here today, you 13 should not until you hear from us again talk about the 14 case or read about the case. Thank you. You may rejoin 18:00 15 the others in the hall. 16 THE COURT: Good morning, Mr. Gray. Counsel 17 for the parties have some questions for you about this 18 case. 19 MR. WESTFALL: Thank you, your Honor. Mr. Gray, 20 I'm Greq Westfall. 21 VENIRE PERSON: Good morning. 22 MR. WESTFALL: I'm one of the defense lawyers in 23 this case. I am going to speak with you for just a few 24 minutes, and I expect someone from the government may want 25 to talk to you as well. This case is the United States

18:00	1	versus the Holy Land Foundation for Relief and
	2	Development. And what it is, is the United States is
	3	alleging that several people who were working with the
	4	Holy Land Foundation gave material support to a foreign
	5	terrorist organization, specifically HAMAS. Now, are you
	6	familiar with it?
	7	VENIRE PERSON: Slightly, yes, sir.
	8	MR. WESTFALL: Have you read any media accounts?
	9	VENIRE PERSON: A few years ago I did.
	10	MR. WESTFALL: Not recently.
	11	VENIRE PERSON: No, sir.
	12	MR. WESTFALL: Based upon anything you have
	13	read, have you formed an opinion as to the guilt or
	14	innocence of the defendants?
18:00	15	VENIRE PERSON: No, sir.
	16	MR. WESTFALL: Where did you get your bachelor
	17	of theology?
	18	VENIRE PERSON: At Texas Institute and Seminary
	19	in Henderson, Texas.
	20	MR. WESTFALL: And what moved you to get a
	21	bachelor of theology?
	22	VENIRE PERSON: At the time I wanted to go into
	23	full time ministry. I felt a lead to preach, and so I
	24	went there, and then I pastored a couple of churches.
	25	MR. WESTFALL: Rural churches or city churches?

18:00	1	VENIRE PERSON: One was rural and then I moved
	2	to Amarillo and pastored a church there.
	3	MR. WESTFALL: You have traveled to Latin
	4	America a lot. Was that mission trips?
	5	VENIRE PERSON: No, sir, just vacation.
	6	MR. WESTFALL: You just like Latin America?
	7	VENIRE PERSON: I like going to the beach.
	8	MR. WESTFALL: While you were in the seminary,
	9	did you take any courses on comparing the three major
	10	religions?
	11	VENIRE PERSON: No, sir, that school did not
	12	offer comparative religions.
	13	MR. WESTFALL: Have you studied that on your
	14	own?
18:00	15	VENIRE PERSON: Yes, sir.
	16	MR. WESTFALL: Have you studied Islam at all?
	17	VENIRE PERSON: Yes, sir.
	18	MR. WESTFALL: I see you said on your
	19	questionnaire you followed the Palestinian-Israeli
	20	conflict very well. Tell me about that.
	21	VENIRE PERSON: Growing up in a Christian home
	22	we talked a lot about Palestine and Israel. I also
	23	started reading a lot outside of what I grew up with. I
	24	have bought various books. I own a couple of the Koran.
	25	I have read some of it, not all of it. I have read a few

18:00	1	points other than the one I grew up with as far as trying
	2	to get a wider understanding of what was going on. I had
	3	one side growing up, and I have tried to get a wider view
	4	in the last ten years I would say.
	5	MR. WESTFALL: Would you say your view has
	6	evolved?
	7	VENIRE PERSON: Somewhat.
	8	MR. WESTFALL: What do you think about the
	9	Koran?
	10	VENIRE PERSON: I think it's a good book. I
	11	don't necessarily consider it inspired by God, but I
	12	consider it a good book.
	13	MR. WESTFALL: When you think of a Muslim, what
	14	do you think about?
18:00	15	VENIRE PERSON: I think of a person who has a
	16	belief in God and a way of following God that is different
	17	from mine.
	18	MR. WESTFALL: And you know, we know about
	19	terrorist attacks and things like that. Do you see any
	20	difference between someone who's a terrorist and some
	21	who's a devoted Muslim?
	22	VENIRE PERSON: Yes, much like a Christian and
	23	an extreme Christian who maybe blows up an abortion
	24	clinics. I think people may stray from the teachings of
	25	their faith.

18:00	1	MR. WESTFALL: Now, on the Israeli-Palestinian
	2	conflict, do you have an opinion as to who's right or
	3	wrong?
	4	VENIRE PERSON: That's a good question. That's
	5	one of the issues I have been struggling with the last ten
	6	years or so. I used to be a strong supporter of Israel,
	7	and I have since moderated my view and think both sides
	8	have issues that need to be discussed. It's a lot more
	9	complex than I thought it was.
	10	MR. WESTFALL: Are you still studying fairly
	11	closely?
	12	VENIRE PERSON: Fairly closely, yes.
	13	MR. WESTFALL: You were in the TSA for a period
	14	of time?
18:00	15	VENIRE PERSON: Yes.
	16	MR. WESTFALL: What did you do?
	17	VENIRE PERSON: I screened passengers and bags.
	18	MR. WESTFALL: So you did the check in?
	19	VENIRE PERSON: Yes, the screening.
	20	MR. WESTFALL: Why did you leave?
	21	VENIRE PERSON: I was discharged. I came to
	22	work after a night of drinking and had alcohol on my
	23	breath. Zero tolerance in the TSA. So I was discharged.
	24	MR. WESTFALL: Did you undergo any terrorism
	25	training or anything like that with the TSA?

18:00	1	VENIRE PERSON: As far as Basically how to
	2	recognize IED's in X rays and think like that.
	3	MR. WESTFALL: As you go through life in the
	4	United States, are you afraid of terrorist attacks?
	5	VENIRE PERSON: Not necessarily, no, sir. I
	6	think there is always a possibility.
	7	MR. WESTFALL: But you don't live in fear day
	8	after day after day?
	9	VENIRE PERSON: No, sir.
	10	MR. WESTFALL: Looking inside yourself, only you
	11	can know, we're looking at a case that has something to do
	12	with terrorism. Do you think you could fairly and
	13	impartially look at the evidence and give the defendants a
	14	fair trial?
18:00	15	VENIRE PERSON: I believe I could.
	16	MR. WESTFALL: One more question. What does a
	17	score reader do?
	18	VENIRE PERSON: I score and read essays on the
	19	SAT college entrance exam. I read essays from students
	20	around the world. I have to ascribe a score to that based
	21	upon the mechanics of the paper, not necessarily the
	22	content.
	23	MR. WESTFALL: No, that is a position of power.
	24	VENIRE PERSON: Yes, sir.
	25	MR. WESTFALL: I now feel humbled. How long

18:00	1	have you been doing that?
	2	VENIRE PERSON: Two years. It's a contract job,
	3	and only when there is testing going on do I work. And I
	4	work from my home.
	5	MR. WESTFALL: Mr. Gray, thank you so much for
	6	speaking with me.
	7	THE COURT: Mr. Garrett, do you have questions
	8	for Mr. Gray?
	9	MR. GARRETT: Just a couple, your Honor. Thank
	10	you.
	11	Mr. Gray, good morning.
	12	VENIRE PERSON: Good morning.
	13	MR. GARRETT: My name is Nathan Garrett, and I'm
	14	an Assistant United States Attorney. One of the
18:00	15	prosecutors representing the government in this case. I
	16	have a follow-up question for you, and I apologize if I'm
	17	repetitive. As I'm writing something down I may have
	18	missed one of Mr. Westfall's questions. I apologize for
	19	that. You are married?
	20	VENIRE PERSON: Yes, sir.
	21	MR. GARRETT: And your wife, does she work
	22	outside the home?
	23	VENIRE PERSON: Yes.
	24	MR. GARRETT: What does she do?
	25	VENIRE PERSON: She's a registered nurse.

18:00	1	MR. GARRETT: And where does she practice?
	2	VENIRE PERSON: Children's Medical Center.
	3	MR. WESTFALL: Does she have a special
	4	discipline?
	5	VENIRE PERSON: Psychiatry.
	6	MR. GARRETT: And you are unemployed right now?
	7	VENIRE PERSON: Yes, we are not grading right
	8	now.
	9	MR. GARRETT: So that's episodic?
	10	VENIRE PERSON: Like from June through October I
	11	don't work. I have to find other temporary work, and then
	12	in October it starts up again.
	13	MR. GARRETT: You are back to having children's
	14	lives in your hands, right?
18:00		VENIRE PERSON: Pretty much.
10.00	16	MR. GARRETT: And during that period of time you
	17	said you find other things to do.
	18	VENIRE PERSON: Yes.
	19	MR. GARRETT: What other things do you pick up
	20	during those times?
	21	VENIRE PERSON: Warehouse work, whatever general
	22	things I can find like through a temporary service.
	23	
	24	MR. GARRETT: What sort of things do those
		include?
	25	VENIRE PERSON: Most of it winds up being

10.00	1	
18:00		warehouse work, packing, loading, preparing things for
	2	shipment. That's pretty much how it's been.
	3	MR. GARRETT: Now, from your questionnaire, you
	4	have two children.
	5	VENIRE PERSON: Right.
	6	MR. GARRETT: Twenty-two and nineteen.
	7	VENIRE PERSON: Yes, sir.
	8	MR. GARRETT: Are they in the home or out of the
	9	home?
	10	VENIRE PERSON: The nineteen year is in the
	11	home, and the twenty-two lives in North Carolina.
	12	MR. GARRETT: Where in North Carolina?
	13	VENIRE PERSON: Asheville.
	14	MR. GARRETT: I looked at your questionnaire,
18:00	15	and you said you were in the U.S. Navy. Is that right?
	16	VENIRE PERSON: Yes, sir.
	17	MR. GARRETT: How long were you in the Navy?
	18	VENIRE PERSON: About eight weeks.
	19	MR. GARRETT: That's a short tour. Enjoyed all
	20	you could stand?
	21	VENIRE PERSON: Until I had an asthma attack.
	22	MR. GARRETT: So it was a medical discharge. I
	23	guess honorable is how they described it but a medical
	24	discharge?
	25	VENIRE PERSON: Yes, sir.

18:00	1	MR. GARRETT: And that was when?
	2	VENIRE PERSON: 1981.
	3	MR. GARRETT: No, Mr. Westfall asked you about
	4	your following of the Middle East issue and the
	5	Palestinian issue. Are you able to take your experience
	6	and knowledge about that issue and set that aside and
	7	judge this case based solely on the evidence that Court
	8	admits in this case? Are you able to do that?
	9	VENIRE PERSON: Yes.
	10	MR. GARRETT: You also mentioned on your
	11	questionnaire that you had prior jury service on a civil
	12	jury. Is that right?
	13	VENIRE PERSON: Yes.
	14	MR. GARRETT: And that was a wrongful
18:00	15	termination or something like that?
	16	VENIRE PERSON: Yes, sir.
	17	MR. GARRETT: Were you all able to reach a
	18	verdict in that case?
	19	VENIRE PERSON: Yes, sir.
	20	MR. GARRETT: Is that the only jury that you
	21	have served on?
	22	VENIRE PERSON: Yes, sir.
	23	MR. GARRETT: Have you been called down to jury,
	24	either at the county level or federal level before, in a
	25	big jury pool like you are now?

MR. GARRETT: How long have you been in Dallas?  VENIRE PERSON: Five years.  MR. GARRETT: And before Dallas?  VENIRE PERSON: In Midland, Texas.  MR. GARRETT: What brought you to Dallas  originally?  VENIRE PERSON: To get married.  MR. GARRETT: Great. You mentioned that you  were with the TSA for a period of time, and you were  excused based on some of those issues.  VENIRE PERSON: Yes.  MR. GARRETT: I notice there were other legal  matters regarding those issues. And we will ask you do  you feel like you were treated fairly in those other legal  matters that involved that same issue.  VENIRE PERSON: Yes, sir, I do.  MR. GARRETT: Is there anything about Both  sides in this case, we're all after the same juror, and that is a fair and impartial juror. Is there anything  about that experience that would affect your ability for  either side to be able to sit and fairly judge the  evidence in this case?	18:00	1	VENIRE PERSON: No, not since I have been in
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		22	about that experience that would affect your ability for
evidence in this case?		23	either side to be able to sit and fairly judge the
		24	evidence in this case?
VENIRE PERSON: Not that I can think of. I kind		25	VENIRE PERSON: Not that I can think of. I kind

18:00 1 of take the blame for that on myself. MR. GARRETT: And nothing about your prior civil 2 3 jury service that would affect or impair you in any way to 4 be able to handle this case? 5 VENIRE PERSON: I don't believe so, no. MR. GARRETT: One moment, your Honor. 6 7 THE COURT: Yes, sir. MR. GARRETT: Judge, may we approach? 8 9 THE COURT: All right. 10 MR. GARRETT: Judge, I have a concern about the 11 alcohol issue. He said he was let go because of alcohol, 12 coming to work with it on his breath. He has a pending 13 DWI right now which sends me the message there may be a 14 recurring alcohol problem. I don't think any of us want a 18:00 15 juror who may have an alcohol problem, and I don't want to 16 ask him about that in open court. Perhaps to bring him 17 either to a closed session or side bar or something. don't want to embarrass him. But I do think it's 18 19 important to all sides to find out whether he's in 20 treatment or something that may impair his ability to sit 21 in the jury four months. That's my concern. I don't 22 really have a good solution. 2.3 THE COURT: Anybody else have any views? 2.4 MR. WESTFALL: I don't share those concerns, 25 your Honor.

18:00 1 THE COURT: You said you do not?

2 MR. WESTFALL: I don't. It sounds to me as

3 though he is either in recovery or trying real hard t

18:00 15

though he is either in recovery or trying real hard to be in recovery. He's very serious about his church, and he actually said that was my fault, my responsibility. He has taken responsibility for everything. It sounds to me, your Honor, like he's in recovery.

THE COURT: Well, if you don't share Mr. Garrett's concerns, I'm not going to have a sidebar.

MR. GARRETT: Okay.

THE COURT: Mr. Gray, we're still in the process of choosing jurors from among this pool. So you should not discuss the case with anyone or read about the case or listen to any radio reports. Thank you. You may rejoin the others in the hall.

Ladies and Gentlemen, let's take a fifteen-minute recess at this point.

(Recess)

MR. GARRETT: Your Honor, before we bring in the next juror, the government would move for cause against Mr. Gray. The basis of that request, your Honor, is the alcohol issue, and Mr. Gray on his questionnaire noted that he had a past DWI, that he had a current pending charge of DWI, he was let go from his job at TSA -- which I'm surmising was a good job for him -- because he showed

18:00 up at work with alcohol on his breath. He has all the 1 2 telltale signs of someone who has an alcohol problem. 3 This is a case that we all know is expected to go some 4 length, and he's unemployed, doesn't have steady 5 employment. All the warning signs are there, and the 6 government is greatly concerned that Mr. Gray's apparent 7 problem with alcohol may interfere -- based on the questionnaire and his answers may interfere with his 9 ability to sit and concentrate on the matters at trial. 10 So the government moves for cause to dismiss Mr. Gray. 11 THE COURT: Mr. Westfall, I assume from your 12 remarks at the Bench that you are opposed to that. MR. WESTFALL: I am, your Honor. People who are 13 14 hopeless alcoholics recover every day through religion or 18:00 15 Alcoholics Anonymous. He appeared to be taking personal 16 responsibility for his situation, and there is not a 17 record to support this man is going to be drinking during 18 jury service, your Honor. 19 THE COURT: As I did with some of these 20 challenges for cause, I will take this one under 21 advisement for the moment. I think we're ready to see 2.2 next Ms. Cynthia Williams. 2.3 Good morning, Ms. Williams. Counsel for the 2.4 parties in this case have some questions they would like 25 to ask you.

18:00 MR. WESTFALL: Ms. Williams, I'm Greg Westfall. 1 2 I'm one of the defense lawyers in this case. I am going 3 to speak with you a little bit, and I imagine the 4 government is going to speak with you a little bit. Okay? 5 VENIRE PERSON: Okay. MR. WESTFALL: This is the case of United States 6 7 versus Holy Land Foundation, have you heard of the name? 8 VENIRE PERSON: No. 9 MR. WESTFALL: It involves -- It involves 10 allegations by the government that the Holy Land 11 Foundation and some of the men involved in the Holy Land 12 Foundation gave material support to a foreign terrorist 13 organization, that being HAMAS. With that additional 14 information, do you know anything about the case? Have 18:00 15 you heard anything at all? 16 VENIRE PERSON: I may have heard something, but 17 I don't recall. It's just right over my head. I don't 18 know. 19 MR. WESTFALL: So I guess it's safe to assume 20 that you haven't made up your mind one way or the other on 21 it? 22 VENIRE PERSON: No. 23 MR. WESTFALL: Let me ask you real fast about 24 something you put in your questionnaire. That's diabetes 25 and vision problems. You mentioned that in your

18:00	1	questionnaire. So I want to talk to you real briefly
	2	about it. Is that something that you feel like could
	3	impair your jury service?
	4	VENIRE PERSON: No.
	5	MR. WESTFALL: Over a four-month period of time,
	6	you are okay with that?
	7	VENIRE PERSON: Yes.
	8	MR. WESTFALL: All right. How do you feel about
	9	being a juror in a case that has anything to do with
	10	terrorism?
	11	VENIRE PERSON: How do I feel?
	12	MS. CADEDDU: Yes, ma'am.
	13	VENIRE PERSON: Well, as an American citizen if
	14	I'm called upon to serve, I will serve.
18:00	15	MR. WESTFALL: Do you know any people who are
	16	Muslim?
	17	VENIRE PERSON: No.
	18	MR. WESTFALL: Have you had any bad experiences
	19	with people who are Muslim?
	20	VENIRE PERSON: No.
	21	MR. WESTFALL: Any good experiences?
	22	VENIRE PERSON: No.
	23	MR. WESTFALL: You know this is a case where
	24	we're talking about Muslim men who are charged with this?
	25	VENIRE PERSON: Okay.

18:00	1	MR. WESTFALL: How do you feel about that?
	2	VENIRE PERSON: I don't have any preconceived
	3	notions one way or the other.
	4	MR. WESTFALL: Your brother was a police
	5	officer.
	6	VENIRE PERSON: Yes.
	7	MR. WESTFALL: Is he retired now?
	8	VENIRE PERSON: Yes, he's deceased.
	9	MR. WESTFALL: Was he with the Dallas PD?
	10	VENIRE PERSON: No. Actually he lived in
	11	Pennsylvania.
	12	MR. WESTFALL: How long was he a police officer?
	13	VENIRE PERSON: He retired as a policeman. He
	14	was in the army for eighteen years and then another
18:00	15	eighteen years. So.
	16	MR. WESTFALL: Lifetime service?
	17	VENIRE PERSON: Yes.
	18	MR. WESTFALL: On the questionnaire, you may not
	19	remember doing it, but it says police officers, law
	20	enforcement personnel, FBI agents have to be judged the
	21	same way in a court of law as any other person whether
	22	that be an expert or just a man off the street. It was
	23	just a check mark, but you made a check mark saying you
	24	would have trouble following that instruction.
	25	VENIRE PERSON: (No response)

1	MR. WESTFALL: Sounds like you didn't mean to.
2	VENIRE PERSON: I didn't mean to.
3	MR. WESTFALL: So you don't have a problem?
4	VENIRE PERSON: None whatsoever.
5	MR. WESTFALL: Interestingly, in your
6	questionnaire you said you followed the
7	Palestinian-Israeli conflict somewhat closely.
8	VENIRE PERSON: Yes.
9	MR. WESTFALL: But you didn't put any comments
10	on that. So what did you mean by that?
11	VENIRE PERSON: I'm interested in what's going
12	on in my country. So I like to watch the news and see
13	what's happening, where we are going with this war. I
14	want it to end. I want our men home. So therefore that's
15	why I follow what's happening there.
16	MR. WESTFALL: How do you feel about the
17	Palestinian-Israeli issue?
18	VENIRE PERSON: I think we should let them
19	settle their dispute. I think the United States We
20	should bring our young men home.
21	MR. WESTFALL: Have you known any young men that
22	have been in this war?
23	VENIRE PERSON: No.
24	MR. WESTFALL: Have you heard of HAMAS?
25	VENIRE PERSON: Yes.
	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24

18:00	1	MR. WESTFALL: Do you know where they operate?
	2	VENIRE PERSON: Yes.
	3	MR. WESTFALL: Palestine?
	4	VENIRE PERSON: Yes.
	5	MR. WESTFALL: In looking at the situation over
	6	there and the Middle East in general but specifically in
	7	the Israli-Palestine territories, have you come to an
	8	opinion or do you have a sense of who is right and who's
	9	wrong in that?
	10	VENIRE PERSON: I really don't know. I don't
	11	know.
	12	That war has been going on since the beginning
	13	of time as far as I'm concerned. So I don't know.
	14	MR. WESTFALL: Are you inclined to look into it
18:00	15	more, buy books or maps or something like that to follow
	16	along with?
	17	VENIRE PERSON: Occasionally. I do own a PC.
	18	So occasionally I do try to check some information out.
	19	MR. WESTFALL: Do you go to church?
	20	VENIRE PERSON: Yes.
	21	MR. WESTFALL: What is your church's position on
	22	who's right or wrong?
	23	VENIRE PERSON: My church does not take a
	24	position on who's right or wrong.
	25	MR. WESTFALL: Do you do any other volunteer

18:00	1	work with your church or otherwise?
	2	VENIRE PERSON: I do volunteer work in a shelter
	3	that my church supports.
	4	MR. WESTFALL: Is this a family shelter,
	5	homeless shelter?
	6	VENIRE PERSON: Yes.
	7	MR. WESTFALL: How do you feel about charity?
	8	VENIRE PERSON: I feel strongly about it. I
	9	support charity. Personally, I give to charities.
	10	Through my company, I make contributions to charity. So
	11	I'm in support of charities.
	12	MR. WESTFALL: Well, at the end of the day in
	13	this case what it may come down to is a charity gave what
	14	would otherwise be considered charity. But the issue is
18:00	15	did they do that with the intent to support HAMAS. So it
	16	would be the intent, yes or no. Do you see what I mean?
	17	Like for instance we send
	18	THE COURT: Mr. Westfall, your time has expired.
	19	MR. WESTFALL: Thank you, your Honor.
	20	THE COURT: Mr. Garrett, do you have questions
	21	for Ms. Williams?
	22	MR. GARRETT: Good morning, Ms. Williams.
	23	VENIRE PERSON: Good morning.
	24	MR. GARRETT: My name is Nathan Garrett and I'm
	25	an Assistant United States Attorney in the United States

18:00	1	Attorney's Office, and I'm one of the prosecutors in this
	2	case for the government.
	3	I just have a few questions to follow-up some of
	4	what Mr. Westfall said and some new. You stated that you
	5	are married. Is that correct?
	6	VENIRE PERSON: I am married, yes.
	7	MR. GARRETT: And does your husband work?
	8	VENIRE PERSON: He's retired a couple of years
	9	ago.
- -	10	MR. GARRETT: Good for him.
- -	11	VENIRE PERSON: Yes.
-	12	MR. GARRETT: Maybe not so good for you, but
-	13	good for him. What did he do before he retired, ma'am?
-	14	VENIRE PERSON: He was a switch technician for
18:00	15	Verizon.
-	16	MR. GARRETT: How long did he work for Verizon?
-	17	VENIRE PERSON: Thirty-six years.
-	18	MR. GARRETT: Now, you marked that you lived
-	19	here in the area for forty-seven years. Is that right?
2	20	VENIRE PERSON: Yes.
2	21	MR. GARRETT: Has that all been right here in
2	22	the Dallas region?
2	23	VENIRE PERSON: Yes.
2	24	MR. GARRETT: And you have looks like by your
2	25	questionnaire you have three children.

18:00	1	VENIRE PERSON: Yes, I do.
	2	MR. GARRETT: Thirty-seven, thirty-four and
	3	twenty-five, correct?
	4	VENIRE PERSON: Correct.
	5	MR. GARRETT: Are they out of the nest now?
	6	VENIRE PERSON: Yes, thank goodness.
	7	MR. GARRETT: But now you have your husband is
	8	back?
	9	VENIRE PERSON: Yes.
	10	MR. GARRETT: You mentioned on your
	11	questionnaire also that you had prior jury service.
	12	VENIRE PERSON: Yes.
	13	MR. GARRETT: But you couldn't remember exactly
	14	what it was.
18:00	15	VENIRE PERSON: I can't remember the years going
	16	back because I have been a juror for many years off and
	17	on.
	18	MR. GARRETT: So you have actually had the great
	19	pleasure of sitting on cases, several cases?
	20	VENIRE PERSON: Yes.
	21	MR. GARRETT: Has that been Have those been
	22	federal cases or state cases or some combination?
	23	VENIRE PERSON: A combination of civil and
	24	criminal.
	25	MR. GARRETT: Have those all been

18:00	1	VENIRE PERSON: State.
	2	THE DEFENDANT: Down at the state. Okay.
	3	Approximately how many do you think you have served on?
	4	VENIRE PERSON: I'm thinking over the years
	5	probably four.
	6	MR. GARRETT: And on the criminal cases, you
	7	were being collectively your jury able to reach a
	8	verdict in those cases?
	9	VENIRE PERSON: Yes, sir.
	10	MR. GARRETT: You mentioned also on your
	11	questionnaire that your son had been arrested.
	12	VENIRE PERSON: Yes.
	13	MR. GARRETT: And I'm sorry to ask about these
	14	sorts of things. They are just things I have to ask
18:00	15	about. Okay? What was he arrested for?
	16	VENIRE PERSON: Unfortunately, he was at a party
	17	where they were making a lot of noise, and the neighbors
	18	called the police, and when they got there, they found
	19	marijuana. So they took them all down.
	20	MR. GARRETT: Is that something that's pending
	21	right now?
	22	VENIRE PERSON: No. They no billed it or
	23	dismissed it, threw it out or whatever.
	24	MR. GARRETT: So that's gone?
	25	VENIRE PERSON: Yes, this has been three years

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ago.

MR. GARRETT: Is there anything about your experience in dealing with that situation that would affect your ability to serve in this case either for or against the government or the defendants in this case?

VENIRE PERSON: Absolutely not.

MR. GARRETT: Do you feel like your son was treated fairly at the end of the day in that proceeding? VENIRE PERSON: Yes, I do.

MR. GARRETT: Mr. Westfall asked you about your feelings about charity. I think we all agree that charity is a good thing.

VENIRE PERSON: Yes.

MR. GARRETT: He also told you the allegations in this case involve material support to a foreign terrorist organization. The Judge will instruct you at the end of the case what a foreign terrorist organization In this case it's HAMAS. He would give you instructions on that. My question focuses on the materials side of that. I expect there will be evidence of money that the government alleges was sent in support of this foreign terrorist organization, HAMAS, and I expect the Judge will tell that you money is material support within the law. I also suspect there may be some evidence that that money once it's overseas was allegedly

24 25 18:00

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spent on what we think of as charitable things — library supplies, medical supplies and that sort of thing. In that regard, I expect the Court to instruct you even if you find that money was spent on what apparently were charitable things, if it was for or to the benefit of a foreign terrorist organization, that, too, is against the law. If it fits within material support which is cash but also these charitable items, if you so find, that's all a violation of law. So I would ask you given your answer about charity, what's your reaction to those instructions that even charity if it's to the benefit of a foreign terrorist organization is against the law.

VENIRE PERSON: If it's not used for charity, it's against the law.

MR. GARRETT: But what if his instruction is even if you find or believe some of this money was spent for charitable items — library supplies, medical supplies, even if you so find, I expect the instruction to be that, too, is material support and a violation of law, if you find it was to or for the benefit of a terrorist organization. Would you have trouble following that instruction if you find it was charitable items?

VENIRE PERSON: I wouldn't have any problem at all.

MR. GARRETT: Thank you. No more questions,

18:00 1 your Honor.

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of talking with people in the pool from which the jury will be selected that will hear this case. I expect this process will go on for another day or two at least. So until you hear from us again, you should not discuss this case with anyone or allow anyone to discuss it with you. Nor should you read or watch or listen to any media accounts about the case. Thank you. You may rejoin the others in the hall.

Good morning, Ms. Williams. Counsel for the parties in this case have some questions they would like to ask you. Mr. Westfall.

MR. WESTFALL: Thank you, your Honor. Ms. Williams, I'm Greg Westfall. I'm one of the defense lawyers in this case, and I'll talk with you for a few minutes, and then the government will talk to you as well.

VENIRE PERSON: Okay.

MR. WESTFALL: This case is the United States versus the Holy Land Foundation, and it involves allegations by the government that the Holy Land Foundation and some of the men who work with the Holy Land Foundation were giving material support to a foreign terrorist organization, and that is specifically HAMAS. After hearing that, does this ring any bells with you?

18:00	1	Have you heard of the case before?
	2	VENIRE PERSON: I have just heard of the Holy
	3	Land Foundation, but I haven't heard any of the details.
	4	MR. WESTFALL: What have you heard about the
	5	Holy Land Foundation?
	6	VENIRE PERSON: They were suspected. That's all
	7	I know.
	8	MR. WESTFALL: How long ago did you hear that?
	9	VENIRE PERSON: It must have been at least three
	10	or four months ago.
	11	MR. WESTFALL: Based upon anything that you have
	12	heard, have you formed an opinion as to the guilt or
	13	innocence of the defendants?
	14	VENIRE PERSON: No, I haven't.
18:00	15	MR. WESTFALL: You say you were born in
	16	Gibraltar.
	17	VENIRE PERSON: Yes, sir.
	18	MR. WESTFALL: Was your dad in the military?
	19	VENIRE PERSON: Construction. He worked for
	20	Fluer Corporation.
	21	MR. WESTFALL: I don't know what that is.
	22	VENIRE PERSON: It was an oil company. They
	23	built I guess helped build the oil wells in Saudi
	24	Arabia back in the 50's.
	25	MR. WESTFALL: You weren't around in the 50's?

18:00	1	VENIRE PERSON: No. I was born in 58, but too
	2	young to know anything.
	3	MR. WESTFALL: Did you travel with him in the
	4	Middle East or was it just in the 50's?
	5	VENIRE PERSON: Just in the 50's. When we got
	6	older we traveled to like Germany, Puerto Rico, but no
	7	Middle East. Mom and dad did the Middle East before they
	8	had me and my brother.
	9	MR. WESTFALL: Have you ever known any people
	10	who practice the Islamic faith or Muslims?
	11	VENIRE PERSON: No, sir.
	12	MR. WESTFALL: Did your dad ever speak of
	13	Muslims when you were growing up?
	14	VENIRE PERSON: If he did, I don't remember.
18:00	15	But I don't think he did.
	16	MR. WESTFALL: This case, as you know, involves
	17	Muslims who are charged with terrorism.
	18	VENIRE PERSON: Yes.
	19	MR. WESTFALL: How do you feel about being on a
	20	jury that involves those circumstances?
	21	VENIRE PERSON: I would have to hear the
	22	evidence and see what happens from there. I don't really
	23	have an opinion on Everybody has their religion and
	24	philosophies, and I feel like that's their prerogative.
	25	MR. WESTFALL: Have you ever looked into Islam

18:00 1	at all?
2	VENIRE PERSON: No, sir.
3	MR. WESTFALL: Ever had it discussed in your
4	church?
5	VENIRE PERSON: No, sir.
6	MR. WESTFALL: Attend church regularly?
7	VENIRE PERSON: No, sir.
8	MR. WESTFALL: Have you ever kept up with the
9	whole Israel-Palestinian conflict?
10	VENIRE PERSON: No, sir.
11	MR. WESTFALL: You don't have any opinions about
12	who's right or wrong over there?
13	VENIRE PERSON: Not really. I just know a lot
14	of innocent people are getting killed, and it doesn't
18:00 15	matter what side is doing it. It's just a lot of innocent
16	people are hurting because of it.
17	MR. WESTFALL: What do you think would be the
18	solution?
19	VENIRE PERSON: I really don't know, to be
20	honest with you. I wish everybody could get along, live
21	in peace.
22	MR. WESTFALL: Do you do any volunteer work?
23	VENIRE PERSON: No.
24	MR. WESTFALL: Have you ever?
25	VENIRE PERSON: Not since I moved to Waxahachie.

18:00	1	I might have done some volunteer work when I was in high
	2	school just helping get like concession stand and stuff
	3	for football.
	4	MR. WESTFALL: You have lived in Waxahachie for
	5	quite a while?
	6	VENIRE PERSON: Yes, sir, since 1992.
	7	MR. WESTFALL: Are you in the town or away from
	8	it?
	9	VENIRE PERSON: I'm in the town and away from
	10	it. I live right down from 35.
	11	MR. WESTFALL: What do you like about
	12	Waxahachie?
	13	VENIRE PERSON: I'm getting to know a lot of
	14	people there because of where I work at, and a lot of
18:00	15	people are really nice. It's still got a small town
	16	feeling. Everybody seems to know everybody, and they seem
	17	to help each other out when it needs to be done.
	18	MR. WESTFALL: Would it be any kind of a
	19	hardship to drive from here to Waxahachie each day?
	20	VENIRE PERSON: No, sir.
	21	MR. WESTFALL: Do you have any questions of me?
	22	VENIRE PERSON: No, just nervous.
	23	MR. WESTFALL: I understand. Thank you.
	24	THE COURT: Mr. Garrett, do you have questions
	25	for Ms. Williams?

18:00 1 MR. GARRETT: Thank you, your Honor. 2 Williams, good morning. My name is Nathan Garrett, and 3 I'm an Assistant United States Attorney, and I'm one of 4 the prosecutors in this case, and I have a few questions 5 to follow-up, and so I may be repetitive of Mr. Westfall. 6 So forgive me for that. You have been in Waxahachie I 7 think for seventeen years. Is that right? VENIRE PERSON: I believe so, yes, sir. 9 MR. GARRETT: And I know you were born in 10 Gibraltar, but before Waxahachie where did you live? 11 VENIRE PERSON: Down in Lake Jackson which is 12 where Dow Chemical is. 13 MR. GARRETT: How long did you live in Lake 14 Jackson? 18:00 15 VENIRE PERSON: I lived in Lake Jackson in 16 Angleton since 1977. I'm sorry. 1975. I graduated 17 Angleton in 1977. I lived there -- Angleton and Lake 18 Jackson were basically about fifteen miles apart from each 19 other. So since 1975. 20 MR. GARRETT: What brought you to Waxahachie? 21 VENIRE PERSON: My husband got a job up here. 22 He got laid off on the job down at Lake Jackson, and he 23 came up here because his parents were up here, and so I 24 came up here with him. 25 MR. GARRETT: Great. Does he work in Dallas or

18:00 Waxahachie? 1 2 VENIRE PERSON: He doesn't work anymore. He's 3 disabled. 4 MR. GARRETT: And you said you live right 5 outside of Waxahachie. VENIRE PERSON: It's considered Waxahachie city 6 7 limits, but I live about five miles from Interstate 35. MR. GARRETT: What did your husband do before 8 his retirement? 9 10 VENIRE PERSON: He did the cryogenics. He fixed 11 machines that would turn oxygen and nitrogen into liquid. 12 MR. GARRETT: Now, you didn't mark one way or 13 the other on children. Do you have any children? VENIRE PERSON: No children. 14 18:00 15 MR. GARRETT: You also marked that you had a 16 brother who had been involved in some allegations of drug 17 possession. Is that right? 18 VENIRE PERSON: Yes, I want to say that was back 19 in 1975, 1976, but he has cleaned himself up, and he lives 20 in California now. He is definitely turned himself 21 around. 22 MR. GARRETT: Good. I know that was a long time 23 ago, but is there anything about that experience for you 24 that would affect your ability to sit impartially in this 25 case?

18:00	1	VENIRE PERSON: Not really. My brother made a
	2	mistake. He did his time.
	3	MR. GARRETT: Do you feel like your brother was
	4	treated fairly at the end of the day?
	5	VENIRE PERSON: Yes, I do.
	6	MR. GARRETT: As Mr. Westfall said, this case
	7	involves allegations that these defendants and their
	8	corporation provided material support to a foreign
	9	terrorist organization. That foreign terrorist
	10	organization is HAMAS. I want to ask you just about the
	11	material support of that.
	12	VENIRE PERSON: Okay.
	13	MR. GARRETT: At the end of the case when you
	14	are given all the evidence and asked to go back and
18:00	15	deliberate about this Have you served on a jury before?
	16	VENIRE PERSON: No, sir. This is my first one,
	17	on one explaining the situation to me. I have never done
	18	it before.
	19	MR. GARRETT: You have never sat on a jury
	20	before?
	21	VENIRE PERSON: Never.
	22	MR. GARRETT: Well, I'm sorry. At the end of
	23	the case, the Judge will give you what are called
	24	instructions, and those instructions will tell you what
	25	the law is on this case. You don't have to wonder what

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the law is. He will have to fill that plate. But you will take the facts and apply that to the law he has given you.

VENIRE PERSON: Okay.

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MR. GARRETT: And on the issue of material support, I expect he would give you instructions on what the law says material support includes. And part of those instructions will be funds, money. And I expect that you will hear evidence alleging that these defendants sent money over to this foreign terrorist organization. Those are allegations, and you have to find those beyond a reasonable doubt, but there may also be evidence that those funds when they went over there may have been spent in part on what you would think of as humanitarian items like library supplies, school supplies, medical equipment, that sort of stuff.

VENIRE PERSON: Yes, sir.

MR. GARRETT: I expect the Court will instruct you again that money is material support and can't go. But even if you find that money may have been spent on so called humanitarian items, if it was to or for the benefit of the foreign terrorist organization, that's against the law. What is your reaction to that instruction?

VENIRE PERSON: I would just have to hear the instruction and the evidence and hopefully make the right

18:00 decision. 1 2 MR. GARRETT: Let me ask it this way. Could you 3 follow the Court's instruction that even if you found the 4 money was spent on charitable items, if it went to or for 5 the benefit of a foreign terrorist organization that's 6 against the law. Could you find those charitable items 7 were a violation of the law assuming the government proved 8 it beyond a reasonable doubt? 9 VENIRE PERSON: Yes, sir. 10 MR. GARRETT: Thank you for your time. 11 THE COURT: Ms. Williams, we're in the process 12 of talking to members of the pool from which the jury will 13 be selected in this case. I expect the process to go on 14 for another day or two. So until you hear from us again, 18:00 15 you should not discuss the case or allow anyone to discuss 16 it with you. Nor should you read or watch or listen to 17 any media reports about this case, if there are any. 18 Thank you. You may rejoin the others in the hall. 19 Good morning, Mr. Olguin. Counsel for the 20 parties have some questions they would like to ask you 21 about this case. 2.2 MR. WESTFALL: Thank you, your Honor. 23 Mr. Olquin, I'm Greg Westfall. How are you 24 doing?

Just fine.

VENIRE PERSON:

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18:00 MR. WESTFALL: I'm one of the defense lawyers on 1 2 this case. I'll talk to you a few minutes, and then the 3 government may want to get up and have words with you 4 about the case. Okay? 5 VENIRE PERSON: Yes, sir. This case is United States versus 6 MR. WESTFALL: 7 Holy Land Foundation and several of the men who work with 8 the Holy Land Foundation, and the allegation is that they 9 gave material support to a foreign terrorist organization, 10 specifically HAMAS. So the allegation is they gave 11 support to HAMAS. Having heard that, does that ring any 12 bells with you? Have you heard about it on the outside? 13 VENIRE PERSON: I have heard about it. 14 MR. WESTFALL: Tell me what you have heard. 18:00 15 VENIRE PERSON: I heard that they were taken to 16 jail. 17 MR. WESTFALL: I'm sorry. 18 VENIRE PERSON: Whenever they got taken to the 19 jail, that's what I heard. I'm not really into the news. 20 MR. WESTFALL: Do you remember anything about 21 the allegations? 2.2 VENIRE PERSON: All I remember is that was in 23 Richardson because it's around where my mother-in-law 24 lives. That's the only reason I paid attention to it 25 because it was over there in Richardson.

18:00	1	MR. WESTFALL: Did you and your mother-in-law
	2	speak about it?
	3	VENIRE PERSON: No, no.
	4	MR. WESTFALL: It just struck you because it was
	5	in Richardson?
	6	VENIRE PERSON: That's the only reason why, it
	7	was in the same town.
	8	MR. WESTFALL: Based upon what you have read or
	9	possibly heard, have you formed any opinions as to the
	10	guilt or innocence of the defendants?
	11	VENIRE PERSON: No. I don't know anything.
	12	MR. WESTFALL: You know what? I have trouble
	13	hearing. I really do.
	14	VENIRE PERSON: No. I haven't formed any
18:00	15	opinions. I haven't heard anything yet.
	16	MR. WESTFALL: Excellent. Thank you. You have
	17	been on a jury before?
	18	VENIRE PERSON: Yes.
	19	MR. WESTFALL: So you know the decision is made
	20	purely on the evidence or lack thereof.
	21	VENIRE PERSON: Yes.
	22	MR. WESTFALL: Where were you born in Mexico?
	23	VENIRE PERSON: San Luis Obispo.
	24	MR. WESTFALL: What state is that?
	25	VENIRE PERSON: It's a state. It's in the

10.00	1	' 1 1 7
18:00	1	middle of Mexico.
	2	MR. WESTFALL: So landlocked?
	3	VENIRE PERSON: Yes.
	4	MR. WESTFALL: How long have you been in the
	5	United States?
	6	VENIRE PERSON: Most of my life. I have to say
	7	a good twenty years.
	8	MR. WESTFALL: You say you are full time
	9	replenishment?
	10	VENIRE PERSON: Yes.
	11	MR. WESTFALL: I'm dying to know what that is.
	12	VENIRE PERSON: Just the department I'm in.
	13	Mainly dispersing the product, like palletizing it,
	14	getting it on the pallets and shipping it out.
18:00	15	MR. WESTFALL: What kind of product?
	16	VENIRE PERSON: Sour cream.
	17	MR. WESTFALL: So you work with a dairy?
	18	VENIRE PERSON: One of the sour cream companies.
	19	MR. WESTFALL: How long have you been doing
	20	that?
	21	VENIRE PERSON: About a year.
	22	MR. WESTFALL: So you basically load the product
	23	on a pallet and get them out of there?
	24	VENIRE PERSON: Yes.
	25	MR. WESTFALL: Do you know any Muslims at all?

18:00	1	VENIRE PERSON: No.
	2	MR. WESTFALL: Have you ever known any?
	3	VENIRE PERSON: No.
	4	MR. WESTFALL: How do you feel about the issue
	5	of being on a jury that has anything to do with Muslims
	6	and charity?
	7	VENIRE PERSON: It's okay.
	8	MR. WESTFALL: You are all right with that?
	9	VENIRE PERSON: Yes.
	10	MR. WESTFALL: I saw that you have a four week
	11	old girl. Congratulations first of all.
	12	VENIRE PERSON: Thank you.
	13	MR. WESTFALL: This case could go for three
	14	months, four months, you know, a few months anyway.
18:00	15	VENIRE PERSON: Yes.
	16	MR. WESTFALL: And is there anything about the
	17	arrangements you have with day care or anything like that?
	18	VENIRE PERSON: Yes, that might be an issue
	19	right there.
	20	MR. WESTFALL: Please tell us about it.
	21	VENIRE PERSON: My fiance say works in the
	22	mornings, and I work at night, and we switch on and off to
	23	watch her. That would be an issue. We wouldn't have
	24	anybody to watch her.
	25	MR. WESTFALL: Okay. So you have to be at home

18:00	1	during Do you get the daytime duty or the night time
	2	duty?
	3	VENIRE PERSON: Daytime.
	4	MR. WESTFALL: So what's happening right now?
	5	VENIRE PERSON: I left her with my mother-in-law
	6	right now.
	7	MR. WESTFALL: Would your mother-in-law be
	8	available to take care of her four months?
	9	VENIRE PERSON: No. She's only off right now
	10	because her other daughter had a baby yesterday. That's
	11	why she was off. She was off yesterday and today. That's
	12	why she could watch her yesterday and today, because she
	13	was off from work. But aside from today she isn't going
	14	to be able to watch her.
18:00	15	MR. WESTFALL: Do you have any back-up plan
	16	whatsoever?
	17	VENIRE PERSON: None whatsoever.
	18	MR. WESTFALL: So during the daytime you have to
	19	be there and then you work at night?
	20	VENIRE PERSON: Yes.
	21	MR. WESTFALL: Would that distract you if you
	22	were to be on the jury for three or four months?
	23	VENIRE PERSON: Definitely because I would be
	24	thinking about my daughter, you know.
	25	MR. WESTFALL: In order to do a good, proper job

18:00 1 in a jury, you have to give your attention hundred percent to the evidence. 2 3 VENIRE PERSON: Yes. 4 MR. WESTFALL: And the issue only arises really 5 if your family situation would impair your ability to do 6 Do you feel like it would or not? 7 VENIRE PERSON: Yes. 8 MR. WESTFALL: Do you feel like it would? 9 VENIRE PERSON: Yes. 10 MR. WESTFALL: Thank you very much. 11 THE COURT: Mr. Garrett, do you have questions 12 for Mr. Olguin? 13 MR. GARRETT: No, your Honor. 14 THE COURT: Mr. Olguin, we are in the process of 18:00 15 talking with the people in the jury pool from which the 16 jury that would hear this case will be selected. 17 anticipate that process will take another day or two at least. So until you hear from us further, you should not 18 19 discuss this case with anyone or allow anyone to discuss 20 it with you. Nor should you read or watch or listen to 21 any media accounts of this case, if there are any. 22 you. You may rejoin the others in the hall. 23 VENIRE PERSON: Thank you. 2.4 MR. WESTFALL: Your Honor, he probably needs to 25 go on list for hardship.

18:00 THE COURT: I agree. Mr. Garrett, do you have a 1 position about that? 2 3 MR. GARRETT: I agree, your Honor. THE COURT: Mr. Kiblinger, I think we're ready 4 5 to see next Ms. Drake, Number 36. Good morning, Ms. Drake. Counsel for the 6 7 parties have some questions they would like to ask. 8 MS. MORENO: Good morning, Ms. Drake. My name is Linda Moreno, and I'm one of the defense attorneys on 9 10 I am going to ask you some questions about this case. 11 some of the answers on the questionnaire you filled out 12 and also if you have heard anything about this case. 13 is the case that involves the Holy Land Foundation which 14 is an American Muslim charity. Have you heard about this 18:00 15 particular case? 16 VENIRE PERSON: Just the name. I don't know 17 anything other than that. 18 MS. MORENO: Do you remember when you heard 19 something about it? 20 VENIRE PERSON: Just reading the paper and 21 glancing after the trial. Anything before that, I don't 22 remember seeing anything. But after the trial, we were 23 told not to read about it. So whenever I saw it, I turned 24 the page. 25 MS. MORENO: After the trial?

1	VENIRE PERSON: After we were called.
2	MS. MORENO: You may have seen something, but
3	you don't remember reading anything about it?
4	VENIRE PERSON: No.
5	MS. MORENO: This is a case that may take three
6	or four months. Does that impose a hardship for you?
7	VENIRE PERSON: Actually it does. Right now I'm
8	a temporary employee, and the company is ready to make me
9	permanent, but because of this situation, because they
10	can't be without an employee for four months, should I be
11	selected I won't be paid my salary.
12	MS. MORENO: You won't be paid?
13	VENIRE PERSON: No.
14	MS. MORENO: And could you potentially lose that
15	position?
16	VENIRE PERSON: Yes.
17	MS. MORENO: So sitting on this case then would
18	make you lose your job opportunity. Is that right?
19	VENIRE PERSON: Yes.
20	MS. MORENO: Why don't you tell us how that
21	would affect your ability to sit and concentrate on all
22	the evidence in this case?
00	VENIRE PERSON: Well, I mean, I don't think it
23	. Zivini i zivini
24	would affect my ability to concentrate so much as the
	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21

1	anything because I understand being on a jury you have to
2	devote your time and energy to the case being presented
3	and you have to be fair. But it would be
4	MR. WESTFALL: But it would be a financial
5	hardship?
6	VENIRE PERSON: Right.
7	MS. MORENO: Let me just ask you a few more
8	questions. What is Tejas Council?
9	VENIRE PERSON: That's the Girl Scouts.
.0	MS. MORENO: What is that?
.1	VENIRE PERSON: It's an organization.
.2	MS. MORENO: No. I know what the organization
.3	is. Tejas Council.
. 4	VENIRE PERSON: Just the area group, the
.5	district for the Girl Scouts.
.6	MS. MORENO: I see.
.7	VENIRE PERSON: That's something I volunteer on
. 8	the side.
.9	MS. MORENO: So you volunteer on that?
0	VENIRE PERSON: Right.
1	MS. MORENO: Let me ask you, do you know any
2	Muslims?
:3	VENIRE PERSON: One.
: 4	MS. MORENO: Is this a friend or someone you
	2 3 4 5 6 7 8 9 0 1 2 3 4 5 6 7 8 9 0 1 2 3

VENIRE PERSON: It was a former coworker.

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MS. MORENO: And in your working relationship with this person, would you characterize it as positive it

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was negative?

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VENIRE PERSON: Positive.

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preconceived notions or prejudices against people who are

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MS. MORENO: As you sit there, do you have any Muslim?

VENIRE PERSON: No, I think God created everybody equal, and everybody has a right to their beliefs, and if they choose to carry out their life that way, that's their choice. We live in a free country, and everyone has the choice of how they want to live.

MS. MORENO: This is a case that, as I said, involves the Holy Land Foundation and that the government claims that this charity sent humanitarian aid over to Palestine and the Gaza strip and other areas, and this humanitarian aid was in the form of food, medicine, library books, assisting in the rebuilding of homes which were destroyed, milk, bread. Humanitarian aid. And the government says that humanitarian aid that was sent over there somehow benefited the foreign terrorist organization called HAMAS. That's what they say. Now, have you ever heard of HAMAS?

VENIRE PERSON: Just brief mention of it in the

18:00 1 Quite honestly, I don't pay attention to world news news. 2 I usually just watch the local. But I have 3 heard the name before. 4 MS. MORENO: Is there anything about what I have 5 just told you or the nature of those charges that causes 6 you any concern? 7 I mean if there was VENIRE PERSON: No. 8 evidence proving that they are guilty, then they are 9 quilty. If there is no evidence proving it, then they are 10 not. 11 MS. MORENO: In all criminal cases there is 12 something called the presumption of innocence. You have 13 heard of that, right? 14 VENIRE PERSON: Correct. 18:00 15 MS. MORENO: And that means that you have to --16 no question about it, as a juror afford these gentlemen 17 the presumption of innocence, and that is only overcome --18 that goes away -- only after you have been convinced 19 beyond every single reasonable doubt that they are guilty. 20 Do you have any problem with that concept? 21 VENIRE PERSON: No. I have served on a jury 22 panel, and I understand the law. The way it works is the 23 way the country works. 2.4 That prior jury service, were you MS. MORENO: 25 the foreperson?

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VENIRE PERSON: Yes.

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MS. MORENO: What was the best part of that experience?

VENIRE PERSON: I don't know that you can say deciding someone's future is very wonderful, but it was a learning experience for me in seeing how court cases are handled and the way they actually work, not based on what you see on TV all the time. I was able to see other people's opinions and viewpoints, and we all reached a decision at the end.

MS. MORENO: Was there anything negative about that experience for you?

VENIRE PERSON: Just seeing a person that really had not come from a good background, and he wound up committing a crime he shouldn't have, but seeing him being punished basically for the way he was raised was kind of difficult for me. Fortunately, in that situation we were able to get him into a work program that helped him better So I guess that was a positive spin on the his future. negative.

MS. MORENO: Forgive me for asking this question. I see you are a member of the Wildwood Baptist Church. My question is, is there anything in your religious orientation or beliefs that you would have a problem with respect to people who follow the Islamic

18:00 faith? 1 2 VENIRE PERSON: No, it's kind of personal, but I 3 was raised in a household where we were southern Baptist. 4 In a former relationship, I was engaged to someone who was 5 Catholic, and I went through Catholic classes, and I was 6 supported because as my mom put it there are many 7 different roads to the same places and whatever road will take you that's the road you should choose. 8 9 THE COURT: Ms. Moreno, your time is expired. 10 MS. MORENO: Thank you, your Honor. 11 THE COURT: Mr. Garrett, do you have questions 12 for Ms. Drake? 13 MR. GARRETT: Good morning, Ms. Drake. My name 14 is Nathan Garrett, and I'm an Assistant United States 18:00 15 Attorney and one of the prosecutors representing the 16 government in this case. Just a few follow-up questions 17 for you. Some of them may be repetitive of Ms. Moreno, 18 and I apologize for that. You are married, correct? 19 VENIRE PERSON: Yes. 20 MR. GARRETT: Is your husband employed? 21 VENIRE PERSON: Electrician. He's a foreman for 22 a private electrical contractor company that does 23 commercial remodeling and electrical work. 2.4 MR. GARRETT: Is that here in Dallas? 25 VENIRE PERSON: He's actually working on the

1	Bank of America building right now.
2	MR. GARRETT: Down the street?
3	VENIRE PERSON: Yes.
4	MR. GARRETT: And how long have you lived in the
5	Dallas area?
6	VENIRE PERSON: I have lived in Mesquite for
7	thirty-six years, my entire life.
8	MR. GARRETT: You have no children at present?
9	VENIRE PERSON: No.
10	MR. GARRETT: Ms. Moreno was asking you about
11	your job situation, your temp. That's something that's
12	important to all of us.
13	VENIRE PERSON: Of course.
14	MR. GARRETT: Not doubt for you.
15	VENIRE PERSON: Of course.
16	MR. GARRETT: Can you explain how it works at
17	the temp agency?
18	VENIRE PERSON: Right now I'm a private banking
19	representative for a bank here in Dallas, and currently
20	I'm working for a financial temp agency who has placed me
21	with this company. The position is open there, and they
22	are ready for me to go permanent. I have been trained,
23	and I have been in banking for almost six years now. But
24	unfortunately, they can't hire an employee that's not
25	going to be there four months and have to pay someone else
	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24

18:00 to fill in while I'm gone. So I'm kind of on hold right 1 2 now until we know the outcome. 3 MR. GARRETT: And if you are called to serve, no 4 one wants to put you in a bad situation. That's where we 5 are all headed. 6 VENIRE PERSON: Right. 7 MR. GARRETT: Given your husband is employed, 8 most importantly, financially will that present a serious 9 hardship for you? Can you qualify? 10 VENIRE PERSON: I can't say it would be 11 extremely difficult. We're comfortable now. I'm sure it 12 wouldn't be as comfortable. I'm sure we could figure 13 something out, but not as easy as it is now. 14 MR. GARRETT: Now, if something happened with 18:00 15 this other job you are temping for now, would you still go 16 to another job? 17 VENIRE PERSON: I could go to another bank. 18 They have positions all the time. The company is looking 19 into possibilities that if I am selected they could hire 20 another temp to fill in until I return. 21 MR. GARRETT: For a period of time? 22 VENIRE PERSON: Right. They have someone from 23 the temp agency that's filling in who does not want to go 24 She wants to be a temp. So they are looking permanent. 25 at the possibility of having her there until I come out,

18:00 15

and it would not be easy, and if someone else came in and wanted the position, they would possibly offer that to them.

MR. GARRETT: Ms. Moreno talked to you a little bit about the allegations of this case, being that the defendants provided material support to a foreign terrorist organization. That's HAMAS. So we will call that part HAMAS. On the issue of material support, what is that? Providing material support. At the end of the case, as you are well aware as a former foreperson on a jury, the Judge will give you instructions on the law, and you take all of this evidence and put it to the law. Okay?

VENIRE PERSON: Yes.

MR. GARRETT: In those instructions I expect that he would tell you how the law defines material support.

VENIRE PERSON: Yes.

MR. GARRETT: I expect this case to involve allegations that these defendants sent money to HAMAS, and I expect the instructions to tell you that funds are a part of material support. They are prohibited to be given knowingly to this terrorist organization. There may in addition be evidence that some of this money once it was sent was spent on ostensibly charitable items such as

18:00 library equipment, school supplies, the sort of thing you 1 would think of as charitable equipment. I expect the 2 3 instructions will also tell you that those types of 4 items -- food, clothing, shelter, clothing -- if they are to or for the benefit of HAMAS in this case, that too is 6 proscribed or prohibited by law. Do you have any reaction 7 Not the funds but the charitable side. to that? VENIRE PERSON: I wouldn't have any problem. 9 MR. GARRETT: So you could follow the 10 instructions that that too is --11 VENIRE PERSON: Yes. 12 MR. GARRETT: Thank you so much for your time. 13 THE COURT: Ms. Drake, we are in the process of 14 talking with people on the jury pool from which the jury 18:00 15 that would hear this case will be selected. I expect that 16 process will go on for at least another day or two. 17 until you hear from us again, you should not discuss this 18 case with anyone or allow anyone to discuss it with you. 19 Nor should you read or watch or listen to any media 20 accounts of this case, if there are any. 21 Thank you. You may rejoin the others in the 22 hall. 23 MS. MORENO: Your Honor, if I may, we would 24 request Ms. Drake be put on the hardship list. 25 indicated that she would be losing a job opportunity.

18:00 When I was speaking with her, she indicated this would be 1 2 a significant financial hardship. 3 THE COURT: Thank you, ma'am. Mr. Kiblinger, I think we're ready to see next Ms. Hill, Number 37. 4 5 Good morning, Ms. Hill. Counsel for the 6 parties have some questions they would like to ask you 7 about this case. MS. MORENO: Good morning, Ms. Hill. My name is 8 9 Linda Moreno. I'm one of the defense attorneys in this 10 case. I am going to ask you some questions about the 11 questionnaire you filled out all of those months ago. 12 VENIRE PERSON: Okav. 13 MS. MORENO: And whether you have heard anything 14 about this case. This is a case that involves the Holy 18:00 15 Land Foundation. The Holy Land Foundation was an American 16 Muslim charity. Have you heard anything about it recently 17 in the press? 18 VENIRE PERSON: Recently no, not recently. I 19 remember probably about five years ago when they have had 20 it on the news and talked about closing it because of something about funding, and I never heard much more about 21 2.2 So that was about all I heard about it. MS. MORENO: Based on that bit of information 2.3 2.4 you heard and now knowing that you are here being 25 considered as a juror in this case, is there anything

18:00	1	about what you heard and we'll go into this a little
	2	further about what you heard then that can affect your
	3	ability to be fair and impartial?
	4	VENIRE PERSON: No, I don't all the facts. It
	5	would have to be based upon the facts and evidence in the
	6	case, and from what I heard, it didn't go into a lot of
	7	detail. It just said they closed this Holy Land funding
	8	thing, and it was about the money, and that's all I heard
	9	about it.
	10	MS. MORENO: So nothing you have heard thus far
	11	in the press that affects your ability to be fair?
	12	VENIRE PERSON: No.
	13	MS. MORENO: Boy Scouts of America. You were a
	14	Cub Scout?
18:00	15	VENIRE PERSON: Cub Scout leader. Den leader.
	16	MS. MORENO: For your sons?
	17	VENIRE PERSON: Both of my sons.
	18	MS. MORENO: And they are out of the Scouts now?
	19	VENIRE PERSON: Yes.
	20	MS. MORENO: And it says you are HIPA certified.
	21	VENIRE PERSON: Yes.
	22	MS. MORENO: Tell me about that.
	23	VENIRE PERSON: I used to work at Lab
	24	Corporation, and we dealt with patient histories and
	25	addresses, and we had to take a course and sign an oath
	ı	

18:00	1	that we would not disclose that information information
	2	that we saw to anybody else.
	3	MS. MORENO: So it was an issue of
	4	confidentiality that you could keep?
	5	VENIRE PERSON: Right.
	6	MS. MORENO: I also see that you have been on a
	7	couple of prior juries.
	8	VENIRE PERSON: Yes, three times.
	9	MS. MORENO: Three times you were picked. Lucky
	10	you. On any one of those three times, were you the
	11	foreperson?
	12	VENIRE PERSON: Yes, I was.
	13	MS. MORENO: Which case?
	14	VENIRE PERSON: That was the first case I was
18:00	15	on. A gentlemen was accused of resisting arrest and
	16	battery to a police officer.
	17	MS. MORENO: Did you reach a verdict?
	18	VENIRE PERSON: Yes, we did.
	19	MS. MORENO: And there were two other criminal
	20	cases?
	21	VENIRE PERSON: Yes.
	22	MS. MORENO: What was the second one?
	23	VENIRE PERSON: It was a case of a gentlemen
	24	being a door guard for a crack house, and the third one I
	25	guess would be more of a civil suit. It had to do with

18:00	1	who was responsible for flooding damage in a downtown
	2	highrise.
	3	MS. MORENO: And in those two cases, were you
	4	the foreperson?
	5	VENIRE PERSON: No, I wasn't.
	6	MS. MORENO: And did you reach verdicts in those
	7	two cases?
	8	VENIRE PERSON: On the second one, yes. The
	9	third one ended in mistrial after the fifth day.
	10	MS. MORENO: What was the best part of that
	11	experience for you sitting as a juror?
	12	VENIRE PERSON: Seeing how the judicial system
	13	works, learning new experiences. Seeing people's
	14	reaction, seeing how the lawyers acted, you know, how each
18:00	15	side defendant and prosecutor acted, and you know just
	16	learning about the judicial system. I can't talk.
	17	Judicial system.
	18	MS. MORENO: Was there anything negative about
	19	that experience?
	20	VENIRE PERSON: No, it was all very positive.
	21	MS. MORENO: Ms. Hill, do you know any Muslims?
	22	VENIRE PERSON: No, I don't.
	23	MS. MORENO: Never had any sort of experiences
	24	in any fashion with people of the Islamic faith?
	25	VENIRE PERSON: No.

18:00 1 MS. MORENO: These gentlemen that are charged in 2 this case are Muslim, and what we need to know, if there 3 is anything in your own religious beliefs that we should 4 know about that might impair your ability, might be hard 5 for you to look at this case fairly. VENIRE PERSON: No. I believe everyone has 6 7 their own right to their own religious beliefs. MS. MORENO: What do you do now? 8 9 VENIRE PERSON: I work for a jewelry distributor 10 company, Zale Corporation. 11 MS. MORENO: This case is going to take three to 12 four months. Maybe more, maybe less. Is there anything about the duration of this trial that would cause you 13 14 hardship? 18:00 15 VENIRE PERSON: None. The original 16 questionnaire I received in the mail I showed to my 17 employers, and they have already okayed it if I would have 18 to be off for that length of time. MS. MORENO: Because of your prior criminal jury 19 20 service you understand what the burden of proof is and the 21 presumption of innocence? 2.2 VENIRE PERSON: Yes. 23 MS. MORENO: Knowing this is a case where the 24 government claims there are charges related to terrorism 25 involving this charity, just knowing that general

18:00	1	information, do you think the burden of proof should be
	2	less on the government in a terrorism trial?
	3	VENIRE PERSON: No. It should be about the same
	4	in any trial. You have to prove it beyond a reasonable
	5	doubt either guilty or innocent, and everyone is innocent
	6	until proven guilty. That's my feeling.
	7	MS. MORENO: Thank you very much. Pass the
	8	witness.
	9	THE COURT: Mr. Garrett, do you have questions
	10	for Ms. Hill?
	11	MR. GARRETT: Yes, your Honor. Ms. Hill, good
	12	morning. My name is Nathan Garrett, and I'm an Assistant
	13	United States Attorney, and I am one of the prosecutors
	14	handling this case for the government. I just have a few
18:00	15	follow-up questions for you.
	16	VENIRE PERSON: Okay.
	17	MR. GARRETT: You are living with someone now;
	18	is that correct?
	19	VENIRE PERSON: Yes.
	20	MR. GARRETT: Does that person work?
	21	VENIRE PERSON: Yes, he does.
	22	MR. GARRETT: Generally what field is he in?
	23	VENIRE PERSON: Pool cleaning business.
	24	MR. GARRETT: Does he work generally around the
	25	area?

18:00	1	VENIRE PERSON: Yes.
	2	MR. GARRETT: And you have two children. Is
	3	that right?
	4	VENIRE PERSON: Yes.
	5	MR. GARRETT: And both of them are I believe
	6	Ms. Moreno asked you questions about them, but they are
	7	outside the home. Do they live in the area?
	8	VENIRE PERSON: One lives in Alvarado and the
	9	other one in Arlington.
	10	MR. GARRETT: Both in Texas. I thought Alvarado
	11	was in Texas.
	12	VENIRE PERSON: Yes.
	13	MR. GARRETT: You have lived in the area I think
	14	from your questionnaire for twenty-two years at least?
18:00	15	VENIRE PERSON: Yes.
	16	MR. GARRETT: Where did you live before that?
	17	VENIRE PERSON: Baltimore, Maryland.
	18	MR. GARRETT: What brought you here?
	19	VENIRE PERSON: My ex-husband and I, he was
	20	looking for a change in his work and better work, and we
	21	moved in with his sister and brother.
	22	MR. GARRETT: Better weather?
	23	VENIRE PERSON: Yes, hotter.
	24	MR. GARRETT: Now, you have been on two juries.
	25	VENIRE PERSON: Three.

18:00 MR. GARRETT: I'm sorry. Three. Two criminal 1 2 and one civil. 3 VENIRE PERSON: Right. 4 MR. GARRETT: And you were the foreperson on one 5 of those? Right. 6 VENIRE PERSON: 7 MR. GARRETT: And I believe you mentioned to Ms. Moreno that nothing about that would affect your ability 8 9 to sit on another jury if you are so invited. 10 VENIRE PERSON: Right. 11 MR. GARRETT: Obviously I know nothing about 12 that case, and I'm not asking about that case, but is 13 there anything about that case, looking at witnesses or 14 listening to the evidence, that would affect the way you 18:00 15 hear evidence in this case or any particular types of 16 witnesses, law enforcement, civilian witnesses, that would 17 change the effect of the credibility you give that 18 witness? 19 VENIRE PERSON: No. 20 MR. GARRETT: Let me ask you finally to flush 21 out a little bit about what Ms. Moreno was talking to you 22 about -- and that is the allegations of this case. 23 VENIRE PERSON: Right. 24 MR. GARRETT: And the allegations of this case, 25 as Ms. Moreno told you, are that these defendants -- The

18:00 allegations are that these defendants provided material 1 2 support to a foreign terrorist organization. 3 Have you heard of HAMAS? Did she ask you? 4 VENIRE PERSON: She didn't ask, but I have heard 5 it. 6 MR. GARRETT: Have you heard of them? 7 VENIRE PERSON: Here and there on the news, but 8 that's it. 9 MR. GARRETT: So the allegations are that they 10 provided material support to a foreign terrorist 11 organization. And as you are well aware, the Judge at the 12 end of trial will submit to you instructions, and those 13 instructions will instruct you on what the law is as it 14 applies to this case. 18:00 15 VENIRE PERSON: Right. 16 MR. GARRETT: That's not something you have to 17 decide. That's something that your Honor will tell you. 18 VENIRE PERSON: Right. 19 MR. GARRETT: And you will take all of these 20 facts and apply it to that law to reach your conclusion. 21 I expect his instructions will tell you -- I know they 22 will -- what a foreign terrorist organization is. 23 will also tell you what material support is. In other 24 words, what does that mean, material support. You will 25 hear evidence in this case alleging that these gentlemen

18:00 1 and their company sent funds -- sent money over to 2 organizations that the government will allege are part of 3 the HAMAS structure. And his Honor will instruct you that 4 funds, money, are part of those things that are prohibited 5 by law. You can't knowingly send those to any component 6 of a foreign terrorist organization. Okay? That's one 7 There may also be further instructions that even if you find that there were items given or that money that 9 was sent was spent on certain charitable items such as 10 school supplies, books, those sorts of things that you 11 would think of as charitable items that those, too, 12 constitute material support and cannot be given to any 13 component of a foreign terrorist organization. Do you 14 have any reaction to that part of the law? 18:00 15 VENIRE PERSON: No. 16 MR. GARRETT: Could you follow those 17 instructions? 18 VENIRE PERSON: Yes. 19 MR. GARRETT: Great. Thank you so much for your 20 Oh, you marked on your questionnaire what other 21 languages do you speak and you said ASL. 2.2 VENIRE PERSON: American sign language. 23 MR. GARRETT: See, right past me. Thank you so 2.4 much. 25 THE COURT: Ms. Hill, we are talking with

18:00 15

members from the jury pool from which the jury will be selected to hear this case. I expect this to go on a day or two longer. So until you hear from us you should not discuss this case with anyone or allow anyone to discuss it with you. Nor should you read or watch or listen to any media accounts about this case, if there are any. Thank you. You may rejoin the others in the hall.

Good morning, Ms. Morton. Counsel for the parties have some questions for you.

MR. WESTFALL: Good morning. My name is Greg
Westfall, and I am a defense lawyer in this case. I have
a few questions for you, and then the government will have
some questions I believe. I'm hard of hearing. I will
keep this ear towards you, but if you could speak up.
This room is also hard, too.

VENIRE PERSON: Okay.

MR. WESTFALL: The actual title of this case is
United States versus Holy Land Foundation for Relief and
Development, and what the allegations are is that the Holy
Land Foundation and some men who were working with the
Foundation — the government alleges that they gave
material support to HAMAS which is a foreign terrorist
organization. That's a term that is used to describe
HAMAS and other organizations. But these men are accused
of giving material support to a foreign terrorist

18:00	1	organization, specifically HAMAS.
	2	Now, I have told you that in two different ways,
	3	and it's confusing, but those words that I have just given
	4	you, do you recognize the case? Have you heard anything
	5	about it?
	6	VENIRE PERSON: How long ago was this? Has it
	7	been a long time ago or
	8	MR. WESTFALL: It's been going on a while. But
	9	like recently have you heard anything in the media?
	10	VENIRE PERSON: No, not recently.
	11	MR. WESTFALL: Is there anything specific in
	12	your mind that you have heard in the media?
	13	VENIRE PERSON: No. I guess kind of what you
	14	said No.
18:00	15	MR. WESTFALL: Here is my reason for asking you.
	16	If a juror comes in and they have read something in the
	17	media and because of what they read they have their mind
	18	made up These people, there is no way I am going to
	19	convict them or no way I am going to do anything but
	20	convict them. Do you fall into that category?
	21	VENIRE PERSON: No.
	22	MR. WESTFALL: I think so. How long have you
	23	been doing customer service?
	24	VENIRE PERSON: I have been doing that since I
	25	was nineteen. So probably eighteen years.

18:00	1	MR. WESTFALL: At the same place?
	2	VENIRE PERSON: No, different places.
	3	MR. WESTFALL: How many places have you worked?
	4	VENIRE PERSON: Maybe five different places.
	5	MR. WESTFALL: And done customer service in
	6	every one of them?
	7	VENIRE PERSON: Yes.
	8	MR. WESTFALL: What sort of business are you
	9	currently doing customer service for now?
	10	VENIRE PERSON: Chase Auto Finance.
	11	MR. WESTFALL: So it has to do with loans on
	12	cars?
	13	VENIRE PERSON: Right.
	14	MR. WESTFALL: And questions about that loan?
18:00	15	VENIRE PERSON: Right.
	16	MR. WESTFALL: It sounds like you like doing
	17	customer service.
	18	VENIRE PERSON: Yes.
	19	MR. WESTFALL: Why do you like it?
	20	VENIRE PERSON: I guess that's always what I
	21	have done. I like to communicate with different people.
	22	MR. WESTFALL: Do you know any Muslims? People
	23	who practice the Islamic faith.
	24	VENIRE PERSON: No.
	25	MR. WESTFALL: Have you ever known any?

18:00	1	VENIRE PERSON: No.
	2	MR. WESTFALL: Have you ever dealt with any in
	3	your job?
	4	VENIRE PERSON: Well, I do a lot of phone work.
	5	I'm sure I may have. I don't see them face to face. I'm
	6	in a call center. So I probably have over the phone.
	7	MR. WESTFALL: Do you do cold calling or if
	8	somebody has a problem they call you?
	9	VENIRE PERSON: They call us if they have a
	10	problem.
	11	MR. WESTFALL: Do you know anything about HAMAS?
	12	VENIRE PERSON: No.
	13	MR. WESTFALL: Have you ever looked into or kept
1000	14	up with the Palestinian-Israeli conflict?
18:00		VENIRE PERSON: No.
	16	MR. WESTFALL: How far away is Red Oak?
	17	VENIRE PERSON: Probably about twenty miles.
	18	MR. WESTFALL: So that's not going to pose any
	19	sort of problem?
	20	VENIRE PERSON: No.
	21	MR. WESTFALL: Any other problems that would
	22	keep you from being able to do jury service?
	23	VENIRE PERSON: No.
	24	MR. WESTFALL: Thank you so much.
	25	THE COURT: Mr. Garrett, do you have questions
	ı	

18:00	1	for Ms. Morton?
	2	MR. GARRETT: Yes, your Honor.
	3	Ms. Morton, good morning.
	4	VENIRE PERSON: Good morning.
	5	MR. GARRETT: My name is Nathan Garrett, and I'm
	6	an Assistant United States Attorney, and I am one of the
	7	prosecutors representing the government in this case. I
	8	have a couple of follow-up questions from Mr. Westfall,
	9	but I will keep it brief for you. Okay?
	10	VENIRE PERSON: Yes.
	11	MR. GARRETT: You are married?
	12	VENIRE PERSON: Yes.
	13	MR. GARRETT: Does your spouse work outside the
	14	home?
18:00	15	VENIRE PERSON: Yes, sir.
	16	MR. GARRETT: What sort of work does he do
	17	generally?
	18	VENIRE PERSON: He's a manager, but they do
	19	spray lawns.
	20	MR. GARRETT: Is that mostly in the metroplex
	21	area?
	22	VENIRE PERSON: Yes.
	23	MR. GARRETT: And you live in Red Oak?
	24	VENIRE PERSON: Yes.
	25	MR. GARRETT: And you said you lived there five

18:00	1	years?
	2	VENIRE PERSON: Well, I grew up there and moved
	3	off.
	4	MR. GARRETT: Where did you move off to?
	5	VENIRE PERSON: The next town, Ovilla.
	6	MR. GARRETT: And they pulled you back?
	7	VENIRE PERSON: Yes.
	8	MR. GARRETT: And you have two children,
	9	seventeen and nineteen?
	10	VENIRE PERSON: Seventeen and twelve.
	11	MR. GARRETT: Are they both still in the home
	12	with you?
	13	VENIRE PERSON: Yes.
	14	MR. GARRETT: You said you were in customer
18:00	15	service.
	16	VENIRE PERSON: Yes.
	17	MR. GARRETT: How long were you in customer
	18	service?
	19	VENIRE PERSON: Well, since I was nineteen.
	20	MR. GARRETT: I just asked you that because I
	21	was in customer service for about thirty minutes. That
	22	was it. All I could stand. So you have to take the calls
	23	when people call and have issues and complain to you?
	24	VENIRE PERSON: Right.
	25	MR. GARRETT: Let me ask you, have you had any

Do

18:00 1 prior jury service? 2 VENIRE PERSON: No. I have never been. 3 MR. GARRETT: Have you ever been called like 4 today to the collective pool of prospective jurors? 5 VENIRE PERSON: I think I was called one time, 6 but I worked at a bank, and they told us to hand it over 7 to our attorneys, and they would take care of that. never really had to go there. 9 MR. GARRETT: So this is the first time you have 10 physically had to show up? 11 VENIRE PERSON: Right. 12 MR. GARRETT: As Mr. Westfall I think told 13 you -- Regarding the specific allegations of this case, it 14 involves allegations that these defendants and the 18:00 15 corporation for which they worked knowingly provided 16 material support to a foreign terrorist organization. 17 That's HAMAS is that foreign terrorist organization. 18 the end of this case, the Judge is going to issue you what 19 he calls instructions, and those instructions will tell 20 you a lot of things about how you go about doing your job, 21 but specifically those instructions will tell you what the 22 law is. So you don't have to come in here knowing 23 anything about the law or being a lawyer. 2.4 contrary, his Honor will tell you this is the law.

your job is to take the facts and apply it to the law.

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18:00 1 you understand that?

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VENIRE PERSON: Yes.

MR. GARRETT: And specifically with regard to this case, it will involve two important definitions. One is what is a terrorist organization, and your Honor will tell you that. It's HAMAS. And the second part of that is what is material support. I expect there will be evidence in this case that the defendants sent money or funds to a foreign terrorist organization. And the instructions I suspect will tell you that if the defendants did that knowingly, if they knew they were giving the funds to a foreign terrorist organization, that's a violation of law. But I expect there may be evidence that those funds may have been spent in part on what you think of as charitable things -- library equipment, medical supplies, those sorts of things. the instructions, he will tell you even those types of items -- clothes, food, medicine, what you think of as charitable items -- if those are given to any component of a foreign terrorist organization, those, too, are prohibited by law. Do you understand that?

VENIRE PERSON: Yes.

MR. GARRETT: You can't give money, but you also can't give money that's to be spent on anything, charitable items or anything else. But you also can't

18:00 give charitable items like food, clothing, medical 1 supplies and those sorts of things if you do it knowingly 2 3 and it's going to a foreign terrorist organization. 4 VENIRE PERSON: Oh, a foreign terrorist 5 organization? 6 MR. GARRETT: Do you have any problem regarding 7 the charitable side of that? VENIRE PERSON: Not really. 9 MR. GARRETT: Let me ask you this. Could you 10 follow the Court's instructions that even if you find that 11 items given to this foreign terrorist organization were of a charitable nature that was a violation of law? 12 13 VENIRE PERSON: It was charitable, but it was 14 against the law to do that, right? 18:00 15 MR. GARRETT: If that's the instruction, could 16 you follow it? 17 VENIRE PERSON: Right. Okay. So if for some 18 reason they gave charitable items to another country, and 19 it's against the law, I guess that would be against the 20 law. 21 MR. GARRETT: That's what I'm asking you. If he 22 instructed you that even if you find these things are 23 charitable items -- are knowingly given to a terrorist 24 organization. You can't do that. So could you find the 25 defendants quilty if you found that they had knowingly

18:00	1	given charitable items to this foreign terrorist
10.00	2	organization?
	3	VENIRE PERSON: I guess it depends on the
	4	reason. Probably, yes. Maybe I'm just not understanding
	5	right.
	6	MR. GARRETT: I'm sure it's on me. But my
	7	
		question is to ask you again to make sure you understand.
	8	The Court will issue you instructions, and if the Court
	9	issued an instruction that said even items like charitable
	10	supplies medicine, books, whatever these items
	11	cannot be given to any component of a foreign terrorist
	12	organization, of HAMAS, knowingly. You cannot give those
	13	types of items to HAMAS. Could you follow that
	14	instruction?
18:00	15	VENIRE PERSON: Yes.
	16	MR. GARRETT: All right. Was that clearer?
	17	VENIRE PERSON: Yes, that was clearer. But what
	18	is HAMAS?
	19	MR. GARRETT: HAMAS being the foreign terrorist
	20	organization.
	21	VENIRE PERSON: Yes.
	22	MR. GARRETT: Do you understand?
	23	VENIRE PERSON: Yes.
	24	MR. GARRETT: I'm sorry for my lack of clarity.
	25	VENIRE PERSON: That's okay.

18:00 15

THE COURT: Ms. Morton, we are in the process of selecting jurors from this panel who will be hearing the case. I expect this process to go on another day or two. So until you hear from us further, you should not discuss this case with anyone or allow anyone to discuss it with you. Nor should you watch or read or listen to any media accounts about this case. Thank you. You may rejoin the others in the hall.

Ladies and Gentlemen, it's near the noon hour so

I would like to take our recess for lunch in just a

moment. I did want to impart to you some information

about two of the venire people that we saw yesterday.

First, about Ms. Roberson, who was Number 20 on the list,

I have a note from her which reads "My husband will be

having surgery on July 23rd through July 27th. I need to

be with him on that day. Thanks, Ms. Adrienne Roberson."

And then this information is concerning Mr.

Baccus, Number 6. This is an e-mail from a member of the jury administrator's office. It says Mr. Baccus called at 1:15 p.m. -- This was yesterday afternoon -- stating he believes his wife worked with the family that has a child with Down's Syndrome. They can't remember the name of the family but thinks it is one of the parties involved in this case. She was an intern approximately three years ago with Early Childhood Intervention which is an

18:00 organization that provides care to families with Down 1 Syndrome children while completing hours for her master's 2 3 degree. She made visits to families participating in this 4 program. He states that neither he or his wife knew them 5 personally, but he wanted to share this information with 6 the court. 7 Ladies and Gentlemen, because we are making 8 pretty good progress but we need to push on, I would like to limit our lunch recess to an hour. 9 10 MS. SHAPIRO: Your Honor, there are two matters 11 that we would like to take up with the court. We can do 12 it at the end of the day. Shouldn't take too long. 13 THE COURT: That probably be best so we don't cut too much into the lunch hour. So we'll be in recess 14 18:00 15 until 1:00. 16 (Recess) 17 THE COURT: Good afternoon. Counsel for the 18 parties have some questions they would like to ask. 19 MR. WESTFALL: Hello, Ms. Mejia. My name is 20 Greg Westfall. I'm one of the defense lawyers in this 21 case. I am going to speak with you for a few minutes, and 22 then the government may have a lawyer to speak with you 2.3 for a few minutes also. 2.4 VENIRE PERSON: Okay. 25 MR. WESTFALL: This is the United States of

18:00	1	America versus Holy Land Foundation case, and it involves
	2	allegations that the Holy Land Foundation and some men
	3	that were involved with the Holy Land Foundation, that
	4	were associated with it, gave material support to HAMAS
	5	which is a terrorist organization. Having told you that,
	6	have you heard of the case?
	7	VENIRE PERSON: No. I don't have full
	8	information.
	9	MR. WESTFALL: Well, what information do you
	10	have?
	11	VENIRE PERSON: I really don't know about it. I
	12	saw little bits and pieces on the TV, but I really didn't
	13	focus on what was going on. I really don't know.
	14	MR. WESTFALL: Okay. You know, in the
18:00	15	allegations, of course, appears the word "terrorism." Do
	16	you have any problem sitting on a jury where we are
	17	talking about Muslim men and anything that has to do with
	18	terrorism?
	19	VENIRE PERSON: Yes, I do. My son went to war
	20	two years ago, and I think a lot of it had to do with
	21	terrorists.
	22	MR. WESTFALL: I saw that in your questionnaire.
	23	He went to Iraq?
	24	VENIRE PERSON: Yes.
	25	MR. WESTFALL: Is he back okay?

18:00 VENIRE PERSON: Yes. 1 2 MR. WESTFALL: You also said in your 3 questionnaire basically if they are being taken to court 4 it must be for a good reason. 5 VENIRE PERSON: Yes. 6 MR. WESTFALL: So in the criminal justice system 7 we have what's called the presumption of innocence. one can come in -- No one can come into court and sit on a 9 jury and make the decision on anything except the evidence 10 that's actually in trial. That's a rule. That's a rule 11 that some people can follow and some people can't follow. 12 And when we can't follow that rule, it's because we have 13 personal experiences or something like that that keeps us 14 from what the law calls careful and fair and impartial 18:00 15 consideration of the evidence. It sounds from what you 16 say about your son you may have trouble giving this fair 17 and impartial consideration. Is that true? 18 VENIRE PERSON: That's true. 19 MR. WESTFALL: Ms. Mejia, thank you so much. 20 THE COURT: Mr. Garrett, do you have questions 21 for Ms. Mejia? 2.2 MR. GARRETT: No, your Honor. 23 THE COURT: Ms. Mejia, we are in the process of 24 talking to people who are being considered for service on 25 the jury that would hear this case. I expect this process

18:00 of talking to people will last at least another day or 1 2 two. So until you hear from us further, you should not 3 discuss this case with anyone or permit anyone to discuss 4 it with you. Nor should you read or watch or listen to 5 any media accounts about this case if there are any. 6 Thank you. You may rejoin the others in the 7 hall. MR. WESTFALL: Your Honor, we'll submit Ms. 9 Mejia for challenge, inability to be fair and impartial. 10 THE COURT: Mr. Garrett, do you have a position 11 about that? 12 MR. GARRETT: No objection, your Honor. 13 THE COURT: I will excuse Ms. Mejia for cause. Good afternoon, Ms. Shrum. 14 18:00 15 VENIRE PERSON: Hello. 16 THE COURT: Counsel for the parties in this case 17 have some questions they would like to ask you. 18 MR. WESTFALL: Thank you, your Honor. Ms. 19 Shrum, I'm Greg Westfall. I'm one of the defense lawyers 20 in the case. I am going to speak to you for a very few 21 minutes, and then the government will have someone speak 22 to you also. This case is the United States versus the 23 Holy Land Foundation. It is a case where it is alleged 24 that the Holy Land Foundation and men who were involved 25 with the Holy Land Foundation gave material support to

18:00	1	HAMAS which is a terrorist organization. Have you heard
	2	of the case after I have given you that information?
	3	VENIRE PERSON: No, I haven't.
	4	MR. WESTFALL: Never read about it or heard
	5	about it?
	6	VENIRE PERSON: I did hear on the news yesterday
	7	morning that they were selecting a jury. That's all I
	8	have ever heard.
	9	MR. WESTFALL: Did you form any opinions based
	10	on that?
	11	VENIRE PERSON: (Shakes head)
	12	MR. WESTFALL: Other than the opinions you need
	13	to be here?
	14	VENIRE PERSON: Anybody gets to come here.
18:00	15	MR. WESTFALL: Do you know any Muslims?
	16	VENIRE PERSON: No, I don't.
	17	MR. WESTFALL: Have you ever known any?
	18	VENIRE PERSON: I don't recall that I have.
	19	MR. WESTFALL: So have you had any good
	20	experiences or bad experiences with Muslims over the
	21	course of your life?
	22	VENIRE PERSON: No, I have not. Well, you know
	23	what? I don't know that he was a Muslim. I had a coach
	24	when I was in college that was a foreigner. I don't
	25	believe he was a Muslim. He did wear a turnick (sic).

18:00	1	MR. WESTFALL: He wore a turban?
	2	VENIRE PERSON: Yes, but I don't know what
	3	nationality he was.
	4	MR. WESTFALL: How do you feel
	5	VENIRE PERSON: Extremely nervous.
	6	MR. WESTFALL: From sitting there, right?
	7	VENIRE PERSON: Yes.
	8	MR. WESTFALL: You know, we're nervous, too.
	9	How do you feel, the idea of being on a jury where It's
	10	going to be a multi-month long trial where the issues
	11	have to do with terrorist and Muslim men?
	12	VENIRE PERSON: Very nervous. I feel like you
	13	would have to be watching your back all the time. I'm a
	14	pretty trusting person, but it doesn't sound like your
18:00	15	regular trial, but I feel like you would really have to
	16	keep your eyes open and be sure you are not be followed.
	17	MR. WESTFALL: So are you fearful that you would
	18	be retaliated against if you did serve in this trial?
	19	VENIRE PERSON: I don't know that I would say
	20	that. But I feel I would be a lot more cautious than
	21	normal.
	22	MR. WESTFALL: Here is what I'm getting at. If
	23	over the course of the next couple of months three
	24	months, however long this goes if fear is distracting
	25	you from what's actually going on in the courtroom, then

18:00 this may be a trial that you probably ought not to be on. 1 You know what I mean? 2. 3 VENIRE PERSON: (Shakes head) MR. WESTFALL: There is a million different 4 5 other kinds of trial, as you know. You have been on one. 6 The feeling that you have, fear, is that the kind of thing 7 that would distract you from your service while we're going through this trial? 9 VENIRE PERSON: Again, like I said, I would feel 10 more cautious, like I would have to watch my back more, 11 and that's not me as an individual, but considering 12 everything involved, I don't know much about terrorism, 13 don't want to know much to be honest with you, and I just 14 feel like you would have to definitely keep your eyes 18:00 15 open. I think being on a jury would be a good challenge 16 and a learning experience in life. On the other hand -- I 17 won't say that I'm fearful, but I would be very cautious. 18 MR. WESTFALL: Well, before I get off the 19 subject, if you had to pick just yes or no on whether 20 these things you have talked about -- having to watch 21 yourself and your back and all of that, whether that would 22 distract you from your service in any way while we're in 23 trial, would you say yes or no? 2.4 VENIRE PERSON: No, I wouldn't want to serve. 25 MR. WESTFALL: You would not?

18:00	1	VENIRE PERSON: No, I would not.
	2	MR. WESTFALL: So the answer is basically yes?
	3	VENIRE PERSON: I would not want to serve, no.
	4	I do not want to sit on the jury.
	5	MR. WESTFALL: Is it because of that feeling at
	6	least in part?
	7	VENIRE PERSON: Because of that. I have
	8	personal things going on in my life. I'm sure no one
	9	wants to take three or four months out of their life. I'm
	10	not good at sitting for very long. I have a back problem.
	11	Like I said, to me, it would be interesting. However, you
	12	have to put your life on hold as well.
	13	MR. WESTFALL: Right. Of course. And you have
	14	to do that any time you are on a jury. This just happens
18:00	15	to be a long one.
	16	VENIRE PERSON: Of course.
	17	MR. WESTFALL: The issue of whether you could be
	18	a fair and impartial juror though is what I'm asking you.
	19	When we say fair and impartial, it means looking at the
	20	evidence and being able to make a decision only on the
	21	evidence. And do you believe you could be a fair and
	22	impartial juror?
	23	VENIRE PERSON: Yes, sir.
	24	MR. WESTFALL: The hardship issue is another
	25	issue. Do you know much about the Palestinian-Israeli

18:00	1	conflict?
	2	VENIRE PERSON: No. I have listened to the
	3	news, but to actually know someone that's been over there
	4	and involved in it, no.
	5	MR. WESTFALL: Have a sense of who's right and
	6	who's wrong over there?
	7	VENIRE PERSON: No, I do not.
	8	MR. WESTFALL: Not a little?
	9	VENIRE PERSON: I'm hesitant because I believe
	10	in our government. We hear so much about pulling the
	11	troops out, and I believe the leader of our country is
	12	doing the right thing.
	13	MR. WESTFALL: Do you know anything about HAMAS?
	14	VENIRE PERSON: No.
18:00	15	MR. WESTFALL: Do you have any idea where HAMAS
	16	operates?
	17	VENIRE PERSON: No.
	18	MR. WESTFALL: Have you ever heard of HAMAS?
	19	VENIRE PERSON: I have heard of it, but I don't
	20	know about it.
	21	MR. WESTFALL: What do you think it is?
	22	VENIRE PERSON: My guess would be a group of
	23	individuals that probably are like terrorists and have
	24	their own religion, and to me, a religion is something
	25	that's man made, and it's taught from the time you are

18:00	1	brought up, and that's what you are led to believe. Am I
	2	way off?
	3	MS. CADEDDU: I'm just asking you what you know.
	4	I'm just asking you what you know.
	5	VENIRE PERSON: What is it?
	6	MR. WESTFALL: For purposes of this trial it's a
	7	terrorist organization, but they operate in Palestine. Do
	8	you go to church? Are you active in a religion?
	9	VENIRE PERSON: Yes.
	10	MR. WESTFALL: When you think of a Muslim, what
	11	do you think about?
	12	VENIRE PERSON: Again, to me a religion is man
	13	made, and I believe each religion for a reason because man
	14	creates the rules. I think we all have a supreme being
18:00	15	that we are worshiping. I don't know that the Muslims are
	16	worshiping God the way we do. I don't believe they are.
	17	That's what I believe.
	18	THE COURT: Mr. Westfall, your time has expired.
	19	MR. WESTFALL: Thank you, your Honor.
	20	Mr. Garrett, do you have questions for Ms.
	21	Shrum?
	22	MR. GARRETT: Yes, your Honor. Good afternoon.
	23	My name is Nathan Garrett, and I'm an Assistant United
	24	States Attorney, and I'm one of the prosecutors assigned
	25	to this case. I'll be prosecuting on behalf of the

18:00	1	government. Just a couple of questions to follow-up on
	2	Mr. Westfall's questions. Bear with me. You said on your
	3	questionnaire that you were a buyer. Can you tell me what
	4	that is?
	5	VENIRE PERSON: I work in a chemical company,
	6	and we have direct materials which are the raw materials
	7	that go into the product and indirect materials which are
	8	the products used in the plant, everything except for the
	9	chemicals and raw materials. So I buy your pumps and
	10	chairs that you sit in, everything except the raw
	11	materials.
	12	MR. GARRETT: Is the company for which you work
	13	located in Dallas or
	14	VENIRE PERSON: Ennis, Texas.
18:00	15	MR. GARRETT: And I believe you also marked that
	16	you were married. Is that correct?
	17	VENIRE PERSON: Yes.
	18	MR. GARRETT: Does your husband work as well?
	19	VENIRE PERSON: Yes.
	20	MR. GARRETT: What does he do? Just generally.
	21	VENIRE PERSON: He's supervisor of maintenance
	22	for a pipe company that makes concrete pipe.
	23	MR. GARRETT: Is that in Dallas?
	24	VENIRE PERSON: Grand Prairie.
	25	MR. GARRETT: You marked here that you don't

18:00	1	have any children.
	2	VENIRE PERSON: I have two stepchildren, but
	3	personally, no.
	4	MR. GARRETT: And how old are they?
	5	VENIRE PERSON: Twenty-five and twenty-seven.
	6	MR. GARRETT: Are they in the home or outside
	7	the home?
	8	VENIRE PERSON: Outside the home.
	9	MR. GARRETT: You marked that you have served on
	10	a jury before. Is that correct?
	11	VENIRE PERSON: Yes, Ellis County.
	12	MR. GARRETT: That was my next question. That
	13	was at the county level.
	14	VENIRE PERSON: Yes.
18:00	15	MR. GARRETT: Have you ever served in a federal
	16	jury?
	17	VENIRE PERSON: No.
	18	MR. GARRETT: Ever been called down before like
	19	this?
	20	VENIRE PERSON: No.
	21	MR. GARRETT: First opportunity?
	22	VENIRE PERSON: Yes.
	23	MR. GARRETT: You are in Red Oak, right?
	24	VENIRE PERSON: Yes.
	25	MR. GARRETT: And I think your questionnaire

18:00	1	said you have been there eighteen years and before that
	2	you were in Toledo?
	3	VENIRE PERSON: Yes.
	4	MR. GARRETT: Toledo, Ohio?
	5	VENIRE PERSON: Yes.
	6	MR. GARRETT: How long?
	7	VENIRE PERSON: I grew up there.
	8	MR. GARRETT: So spent your life in Toledo until
	9	you had the good fortune to come here?
	10	VENIRE PERSON: Right.
	11	MR. GARRETT: You mentioned to Mr. Westfall
	12	about your reluctance to serve or you really didn't want
	13	to serve, and there was some discussion going back and
	14	forth about your fears or concerns generally about this
18:00	15	type of case. I certainly understand that you don't want
	16	to serve. You are not asking, raising your hand to do
	17	that. Is that right?
	18	VENIRE PERSON: Right.
	19	MR. GARRETT: But if you were asked to serve, if
	20	you were called upon by the Court to serve as a juror in
	21	this case, is that something you could do and do it fairly
	22	and impartially?
	23	VENIRE PERSON: As far as my opinion, yes.
	24	MR. GARRETT: And what do you mean when you say
	25	as far as my opinion?

18:00 VENIRE PERSON: As far as -- I feel I could do 1 2 it. As I mentioned earlier, I do have a problem sitting 3 for a long period of time. That's the only thing that I 4 think would hold me back. 5 MR. GARRETT: I understand you are not asking to 6 be here, but if you were here and asked to serve --7 VENIRE PERSON: As far as my opinion, I think I could be very fair. 8 9 MR. GARRETT: And you could afford each of these 10 defendants the rights that they are entitled to -- The 11 presumption of innocence, the burden the government 12 carries to prove the case beyond a reasonable doubt, those 13 are things that you could honor as a juror? 14 VENIRE PERSON: Yes. 18:00 15 MR. GARRETT: As Mr. Westfall mentioned to you, 16 this case involves allegations that the defendants 17 knowingly provided material support to a terrorist 18 organization. That's HAMAS. And the Judge will give you 19 instructions at the end of the case on what the law is, 20 and then you take the facts from the testimony and 21 evidence, and you apply the facts to that law that he 22 gives. 23 VENIRE PERSON: Yes. 24 MR. GARRETT: And that law I expect he would

tell you is that HAMAS is a terrorist organization, and as

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18:00 a result of that one cannot give material support to 1 2 HAMAS. You can't give money, but you also can't give 3 charitable items, library books, school supplies, that 4 sort of stuff. Do you understand that? 5 VENIRE PERSON: Yes, I do. 6 MR. GARRETT: Do you have any issue with that 7 provision of the law? VENIRE PERSON: No, I don't. 8 9 MR. GARRETT: If the Judge instructed you that 10 was prohibited, you could follow that as well? 11 VENIRE PERSON: Yes, sir. 12 MR. GARRETT: Thank you, ma'am. Thank you, your 13 Honor. 14 THE COURT: Ms. Shrum, you said you had 18:00 15 difficulty sitting for long periods of time. Can you be 16 more specific? 17 VENIRE PERSON: Well, I have a desk job, and to 18 tell you the truth, the longest I sit is about an hour, 19 and I'm up stretching and moving around. 20 THE COURT: Well, in our court sessions here, we 21 typically go maximum hour and a half before we take a 22 break, if we went that long and you were on the jury and 23 started to experience discomfort and seated in the back 24 row, as you are now, would it be problem if you stood up 25 and stretched your back?

18:00 15

VENIRE PERSON: As long as I can stand and not sit for a long period of time. I do have a letter from my chiropractor. I thought that would let you know that I'm not telling you a story.

THE COURT: Thank you, Ms. Shrum. As you have probably gathered, we are in the process of talking to people in the jury pool from which the jury will be drawn to hear this case. I expect that will go on for at least another day or two. So until you hear from us again, you should not discuss this case with anyone or allow anyone to discuss it with you, and if there are any media accounts about the case, you should not read or watch or listen to any of those media accounts.

VENIRE PERSON: Yes, sir. Would you like this letter.

THE COURT: Sure if you want to give it to me.

This a copy that I can keep?

VENIRE PERSON: That's an original you can keep.

THE COURT: Ladies and Gentlemen, the letter that was just handed to me by Ms. Shrum is on the letterhead of Chiropractor Clinic in Duncanville, Texas, and it's related to Ms. Shrum. It says "To whom it may concern, I recommend that Ms. Shrum does not participate as a juror due to chronic low back condition that would preclude her from any prolonged sitting. If you have any

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questions regarding Ms. Shrum, please do not hesitate to conduct this office." And the letter is signed by Timothy R. Klezmet, D.C. Klezmet Chiropractor Clinic.

MR. JACKS: Your Honor, I wanted to interpose an

objection. Mr. Westfall, there were a couple of questions that he asked Ms. Shrum that I believe are improper or they are certainly put to the jury in an improper fashion. And I cannot remember the exact question leading up to it, but essentially it was about if you were on this jury and it involves matters relating to terrorism, and then he would follow that up with a question like if you had to answer yes or no, would your answer be yes or no, and I don't believe that's proper. I don't believe it's proper to force the juror to give a yes or no answer because they don't know that they can decline to give a yes or no They are not sure what they can do or not do, and I think that's unfair and improper to put it in that way so that the juror feels like they have to give a yes or no answer, but I don't believe that they should be required to give a yes or no answer on something like that and forced to make a decision one way or the other when that may not be the way they feel.

Secondly, there was also before that he made a statement to Ms. Shrum, and I think it's been stated to other members of the jury pool that you may not be the

18:00 15

right person for this jury. And it sounded more as though Mr. Westfall was making that statement rather than asking the juror the question. So I would request the Court instruct the defense not to make those types of statements. That is something the juror is supposed to provide answers about, and they are not to be told that because, again, they are in a strange environment, and they don't know whether they can disagree or not. And so to just make a statement to them is I think unfair to the juror and restricts their answers.

THE COURT: Mr. Westfall, do you want to be heard before I make a decision?

MS. CADEDDU: Your Honor, I don't think I'm being unfriendly or overbearing at all with these jurors. Earlier they had an objection about Linda using leading questions. I could just as easily have said it sounds like you have a disability. You have a disability, don't you. I think in order to make a record and for the Court to rule on a challenge for cause she has to say yes or no, and if she refused to answer I wouldn't have made her. I couldn't make her. I don't feel like -- And I'll look for the Court's guidance. But I don't feel like there is anything improper in the way I'm questioning the jurors, your Honor.

THE COURT: Well, I don't know that I would go

18:00 so far as to say it's improper, Mr. Westfall, but it does 1 seem to me that -- I think there is a validity to what Mr. 2 3 Jacks is saying, that most of these people have not been 4 on jury service before, and even if they have, they have 5 not been through a process of individual questioning like 6 this, and so they are in a strange environment where they 7 don't really know what the rules or procedures are, and it seems to me it is unfair to them to require them to answer 9 in any particular way. I think that we should give them 10 the latitude to tell us how they feel but in the way that 11 expresses clearly what those feelings are rather than 12 trying to channel it into a particular either/or, yes or 13 no, or whatever else the choice is. So you said you would 14 ask for my guidance, and that is my guidance. I don't 18:00 15 think that is particularly useful with what we're about 16 here. I do agree with you that I don't think you have 17 been overbearing or intimidating to the jurors, but I don't think it elicits the kind of information that is 18 19 helpful to us. 20 MR. WESTFALL: Okay. I think I understand. 21 THE COURT: Mr. Kiblinger, I think we're ready 22 to see next Mr. Saucier, Number 4. 23 Good afternoon. Your name is pronounced 2.4 Saucier? 25 VENIRE PERSON:

18:00	1	THE COURT: Mr. Saucier, counsel for the parties
	2	in this case have some questions they would like to ask
	3	you. Mr. Westfall.
	4	MR. WESTFALL: Thank you, your Honor. Mr.
	5	Saucier, how are you doing?
	6	VENIRE PERSON: Just fine.
	7	MR. WESTFALL: My name is Greg Westfall, and I'm
	8	a criminal defense lawyer, one of the lawyers on this
	9	case, and I want to speak with you for a very few minutes,
	10	and then I expect the government will want to speak to
	11	you.
	12	This case is the United States versus Holy Land
	13	Foundation for Relief and Development. It has to do with
	14	an organization and Muslim charity Well, what they
18:00	15	allege is providing material support to HAMAS which is a
	16	terrorist organization. Having told that you, do you
	17	recognize that at all?
	18	VENIRE PERSON: I remember hearing something
	19	about it three years ago or so.
	20	MR. WESTFALL: Have you heard anything recently?
	21	VENIRE PERSON: Not until this week. I heard
	22	something Monday.
	23	MR. WESTFALL: What all have you heard?
	24	VENIRE PERSON: Just the jury selection. That's
	25	all I heard.

18:00	1	MR. WESTFALL: From anything you heard from
	2	three years ago or this week, have you formed an opinion
	3	at all about the guilt or innocence of the defendants or
	4	the strength of the government's case or anything?
	5	VENIRE PERSON: I really don't know anything
	6	about it. But no, I don't have an opinion about it.
	7	MR. WESTFALL: You put on your questionnaire you
	8	are active in the Masons.
	9	VENIRE PERSON: I haven't been active, but I'm
	10	part of it, yes.
	11	MR. WESTFALL: How long have you been a Mason?
	12	VENIRE PERSON: Probably 1999.
	13	MR. WESTFALL: How did you come to be a Mason?
	14	VENIRE PERSON: My father is a Mason.
18:00	15	MR. WESTFALL: What do the Masons do?
	16	VENIRE PERSON: Just a fraternity. They do a
	17	lot of charitable stuff.
	18	MR. WESTFALL: Did you do charitable projects
	19	with the Masons?
	20	VENIRE PERSON: Yes.
	21	MR. WESTFALL: Like what?
	22	VENIRE PERSON: You hold a breakfast to raise
	23	money for the have you seen the Shriners?
	24	MR. WESTFALL: Yes.
	25	VENIRE PERSON: That's part of the Masons.

18:00	1	MR. WESTFALL: Are they the charitable part
	2	or
	3	VENIRE PERSON: They tend to do more of it. But
	4	I have been active with them.
	5	MR. WESTFALL: And how long have you been a part
	6	of the Masons?
	7	VENIRE PERSON: Ten years.
	8	MR. WESTFALL: You said in your questionnaire
	9	you followed the Israeli-Palestinian conflict somewhat
	10	closely.
	11	VENIRE PERSON: Yes. Over the years. I do
	12	listen to talk radio.
	13	MR. WESTFALL: Who do you like on talk radio?
	14	VENIRE PERSON: Man, I guess Mike Gallagher I
18:00	15	would like.
	16	MR. WESTFALL: Is that the WBAP or KVIL?
	17	VENIRE PERSON: No, the other one, 660.
	18	MR. WESTFALL: Are we talking about seeing news
	19	or have you looked at books about the Israeli-Palestinian
	20	conflict, studied the history?
	21	VENIRE PERSON: No, but there is a friend of
	22	mine who is pretty heavily read up on the conflict there,
	23	but we talk about it a lot. But whenever I talk to him.
	24	I guess it's more that. So I guess maybe a lot of
	25	information from him.

18:00	1	MR. WESTFALL: Does he have an opinion as to
	2	who's right and who's wrong?
	3	VENIRE PERSON: Actually he doesn't. He's kind
	4	of indifferent. He doesn't really.
	5	MR. WESTFALL: How about you? Have you ever
	6	formed an opinion about who's right or wrong?
	7	VENIRE PERSON: There is certain situations
	8	where I see both sides. So I mean if I see both sides
	9	of it. On certain circumstances, I would definitely see
	10	why one does one thing and why another does another thing.
	11	MR. WESTFALL: For instance, what's the Israeli
	12	side?
	13	VENIRE PERSON: Well, I'm sure they are kind of
	14	in fear of being attacked and on the opposite side the PLO
18:00	15	seems to be tired of being crowded in certain areas and
	16	not being able to the Palestinians. I see both sides.
	17	MR. WESTFALL: Do you know any Muslims
	18	personally?
	19	VENIRE PERSON: Yes.
	20	MR. WESTFALL: How many? Tell me.
	21	VENIRE PERSON: I'm not sure he's a Muslim. If
	22	he is, I don't think he's practicing. I knew some in
	23	school. They were twins. I think they were born here.
	24	None I talk to right now. One of them was a friend in
	25	school and he died.

18:00	1	MR. WESTFALL: Do you have friendly experiences
	2	with the ones you know?
	3	VENIRE PERSON: Oh, yes.
	4	MR. WESTFALL: Do you know anything about the
	5	religion at all?
	6	VENIRE PERSON: Yes.
	7	MR. WESTFALL: Did they go through things like
	8	Ramadan while you knew them?
	9	VENIRE PERSON: Most of them were secular. But
	10	my friend Jamal, he would pray seven times a day. He's
	11	pretty religious.
	12	MR. WESTFALL: Pious, devoted?
	13	VENIRE PERSON: He's a good guy.
	14	MR. WESTFALL: What did you think of that?
18:00	15	VENIRE PERSON: I have no problem. I'm
	16	religious, too. So no problem.
	17	MR. WESTFALL: Anything about being on a case
	18	like this where it has anything to do with terrorism that
	19	you feel like you couldn't be fair and impartial?
	20	VENIRE PERSON: I feel I could be fair and
	21	impartial. There might be concern about things if
	22	there is a sequestering involved, I may have some personal
	23	issues that really severely damage me if I did it, but
	24	other than being impartial, no.
	25	MR. WESTFALL: In every trial you have to make

18:00	1	your decision just upon the evidence that you see in court
	2	and hear in court and that's it. Any problem at all in
	3	doing that in your case do you think?
	4	VENIRE PERSON: No.
	5	MR. WESTFALL: Thank you so much.
	6	THE COURT: Mr. Garrett, do you have questions
	7	for Mr. Saucier?
	8	MR. GARRETT: Yes, your Honor.
	9	Good afternoon.
	10	VENIRE PERSON: Good afternoon.
	11	MR. GARRETT: My name is Nathan Garrett, and I'm
	12	an Assistant United States Attorney, and I'm one of the
	13	prosecutors for the government, prosecuting this case. I
	14	have just a couple of follow-up questions for you just
18:00	15	briefly. You are married; is that correct?
	16	VENIRE PERSON: Yes.
	17	MR. GARRETT: And does your wife work outside
	18	the home?
	19	VENIRE PERSON: She does.
	20	MR. GARRETT: What type of work does she do?
	21	VENIRE PERSON: She's a nurse. Just recently
	22	got her RN.
	23	MR. GARRETT: Congratulations to her and you.
	24	Does she work in any particular area, doctor's office or
	25	hospital?

18:00	1	VENIRE PERSON: Transplant unit at the hospital.
	2	MR. GARRETT: Two children?
	3	VENIRE PERSON: And one on the way, due at the
	4	end of next month.
	5	MR. GARRETT: Oh. Your children are five and
	6	six that you have right now; is that right?
	7	VENIRE PERSON: Yes.
	8	MR. GARRETT: Boys or girls?
	9	VENIRE PERSON: Girls.
	10	MR. GARRETT: And the one on the way?
	11	VENIRE PERSON: A boy.
	12	MR. GARRETT: You know?
	13	VENIRE PERSON: Yes.
	14	MR. GARRETT: He is expected when?
18:00	15	VENIRE PERSON: The end of next month. October
	16	2nd. Maybe a C-section.
	17	MR. GARRETT: How would that affect your ability
	18	to serve as a juror in this case?
	19	VENIRE PERSON: Well, if I'm sequestered
	20	MR. GARRETT: I can't speak for the Court, but
	21	we don't expect that but assuming that
	22	VENIRE PERSON: The only other thing is at the
	23	end of this month we'll be moving to a new house, but
	24	that's just a logistical thing.
	25	MR. GARRETT: In terms of your ability to serve

18:00	1	during the hours of the jury, that's no problem?
	2	VENIRE PERSON: As long as I'm not sequestered.
	3	MR. GARRETT: I believe on your questionnaire
	4	you said you performed environmental consulting.
	5	VENIRE PERSON: Yes.
	6	MR. GARRETT: Can you flush that out a little
	7	bit?
	8	VENIRE PERSON: It's mostly dealing with the
	9	petroleum storage tank sites. We'll go in and investigate
	10	and do an examination, and if it has possible problems, we
	11	will do a subsearch investigation, and then if there is a
	12	problem, we will clean it up.
	13	MR. GARRETT: That's a private firm?
	14	VENIRE PERSON: Yes.
18:00	15	MR. GARRETT: Is that the sort of job that may
	16	take you elsewhere when you're working?
	17	VENIRE PERSON: Oh, yeah, I have been all over
	18	the United States doing it.
	19	MR. GARRETT: Is it Dallas-based?
	20	VENIRE PERSON: It is now. It was Fort Worth,
	21	but we have a Dallas, Weatherford, Midland office.
	22	MR. GARRETT: And how long have you lived in
	23	this area?
	24	VENIRE PERSON: Thirty years.
	25	MR. GARRETT: How old are you?

18:00 1 VENIRE PERSON: Thirty-four. MR. GARRETT: I noticed also on there it asks if 2 3 you have had any friends or relatives that have been 4 involved in any kind of legal dispute, and you mentioned 5 that you had a brother that had a tangle up or two. 6 VENIRE PERSON: Yes, my brother has issues. 7 MR. GARRETT: Is that something going on now? VENIRE PERSON: No, not that I know of. 8 MR. GARRETT: Is there anything about that 9 10 experience from your standpoint that would affect your 11 ability to sit as a juror, to hear one side or the other? 12 VENIRE PERSON: No. 13 MR. GARRETT: In terms of his involvement with 14 the law or law enforcement do you think that he was 18:00 15 treated fairly at the end of the day? 16 MR. GARRETT: Treated more than fairly. 17 MR. GARRETT: Sounds like you might have been harder. 18 19 VENIRE PERSON: Probably. 20 MR. GARRETT: As Mr. Westfall said, this case 21 involves material support to a terrorist organization. 2.2 And that terrorist organization is HAMAS, and the Judge 23 will give you instructions at the end of the case telling 24 you exactly what the law is defining a terrorist 25 organization and defining material support, and I submit

18:00 he would tell that you HAMAS is a terrorist organization 1 for the purposes of this trial. As a result of that 2 3 designation one cannot knowingly send funds, money, to 4 that organization, to any component of that organization. 5 Nor can one send what you might think of as charitable 6 things -- books, supplies, medicines. In terms of the 7 charitable side of that, do you understand that? VENIRE PERSON: Yes. 9 MR. GARRETT: Do you have any reactions or 10 issues one way or the other? 11 VENIRE PERSON: Well, it's against the law. 12 MR. GARRETT: So that's an instruction you can 13 follow? 14 VENIRE PERSON: Yes. 18:00 15 MR. GARRETT: Thank you so much for your time. 16 THE COURT: Mr. Saucier, we are in the process 17 of interviewing people who are in the pool from which the 18 jury will be selected that would hear this case. I 19 anticipate that process will continue for at least another 20 day or two. So until you hear from us again, you should 21 not discuss this case with anyone or allow anyone to 22 discuss it with you. Nor should you read or watch or listen to any media accounts of this case if there are 23 24 any. Thank you. You may rejoin the others in the hall. 25 THE COURT: Good afternoon, Ms. Tillis. Counsel 18:00 for the parties have some questions to ask you. 1 2 MR. WESTFALL: Ms. Tillis, my name is Greg 3 Westfall, and I want to speak to you a few minutes, and 4 then the government may want to stand up and speak to you. 5 This case is the Holy Land Foundation case. You mentioned 6 in your questionnaire you thought you might have heard 7 about it before. VENIRE PERSON: Exactly. 9 MR. WESTFALL: And the allegations are that the 10 government alleges that the Holy Land Foundation and some 11 of the men involved in that Foundation gave material 12 support to HAMAS which is a terrorist organization. 13 that the same one you thought you heard about? 14 VENIRE PERSON: Yes, sir. 18:00 15 What have you heard about in I MR. WESTFALL: 16 presume the media? 17 VENIRE PERSON: Just the media. 18 MR. WESTFALL: What have you heard? 19 VENIRE PERSON: Just what the media stated. 20 Like I said in my questionnaire, I didn't really know all 21 the details and facts and things. But I know they got 22 stuff taken away. I knew the government went in and seized some of their possessions. That's all I know 23 2.4 basically. 25 MR. WESTFALL: Based upon anything you have read 18:00 or heard, have you formed an opinion as to the guilt or 1 innocence of the defendant? 2 3 VENIRE PERSON: Well, I really don't know the facts. Like I said, I know they seized their property. I 4 5 don't know the details. I didn't get that. 6 MR. WESTFALL: So let me ask you another couple 7 of things about your questionnaire. 8 VENIRE PERSON: Okay. 9 MR. WESTFALL: One of the questions said "Have 10 you formed any believe about the Palestinian-Israeli 11 conflict." And you wrote due to the fact that killing is 12 a crime you don't support those organizations, and for 13 that reason you couldn't be fair. 14 VENIRE PERSON: Right. Terrorist. Innocent 18:00 15 people. But I don't know the facts. That was my opinion. 16 MR. WESTFALL: You know, this case has terrorism 17 in the charge. It's material support of terrorism. 18 VENIRE PERSON: Okay, well, if that's the case, 19 you read what I wrote then. 20 MR. WESTFALL: So you don't think you could be 21 fair and impartial? 2.2 VENIRE PERSON: Well, my strong opinion is I 23 don't believe in killing, especially innocent people. 24 MR. WESTFALL: Well, I guess the only question 25 is your opinions that you have, could you set those aside

18:00	1	and fairly consider on the facts of the case?
	2	VENIRE PERSON: Right. I don't know the facts
	3	about them, the Foundation. I don't know. But that's my
	4	opinion about terrorists.
	5	MR. WESTFALL: Tell me about that opinion. It's
	6	very strong.
	7	VENIRE PERSON: Very strong. We have innocent
	8	people that die for this. We got people over there in the
	9	war every day. That's why I don't like to look at the
	10	media and all. That's what it reflects. Just bad, to me.
	11	It's bad.
	12	MR. WESTFALL: Do you know anyone that's in the
	13	military right now over there?
	14	VENIRE PERSON: I know several people. I have
18:00	15	some that came back, yes.
	16	MR. WESTFALL: Do you know anything about HAMAS?
	17	VENIRE PERSON: No.
	18	MR. WESTFALL: Do you know where HAMAS operates
	19	I guess?
	20	VENIRE PERSON: No.
	21	MR. WESTFALL: You know HAMAS isn't in Iraq;
	22	it's over in Palestine.
	23	VENIRE PERSON: I probably wrote that in there
	24	in my questionnaire about the media and all of that. I
	25	read the newspapers, but when it goes to stuff like that,

18:00	1	I don't like to read because it just
	2	MR. WESTFALL: I got you.
	3	VENIRE PERSON: It's what I wrote.
	4	MR. WESTFALL: What do you do for a living?
	5	VENIRE PERSON: I'm a manager of corporate
	6	accounting, general ledger.
	7	MR. WESTFALL: You have a bachelor of science?
	8	VENIRE PERSON: Yes, BS.
	9	MR. WESTFALL: Accounting?
	10	VENIRE PERSON: Accounting.
	11	MR. WESTFALL: Do you know any Muslims?
	12	VENIRE PERSON: Yes.
	13	MR. WESTFALL: Can you tell me about them?
	14	VENIRE PERSON: Well, they have a store
18:00	15	downstairs in my building where I work.
	16	MR. WESTFALL: How do you get along with them?
	17	VENIRE PERSON: Fine.
	18	MR. WESTFALL: Are they nice people?
	19	VENIRE PERSON: Yes.
	20	MR. WESTFALL: Have you had any bad experiences
	21	with Muslims at all?
	22	VENIRE PERSON: Experience like what? Visiting,
	23	chatting, yes, every day.
	24	MR. WESTFALL: Just talking to them.
	25	VENIRE PERSON: Go downstairs and get a paper,

18:00	1	hey, good morning. Every day we talk. I don't judge
	2	people just because of their religion or faith or
	3	whatever. People is people. Human.
	4	MR. WESTFALL: You go to church yourself?
	5	VENIRE PERSON: Yes. Yes, sir.
	6	MR. WESTFALL: Well, not everyone does.
	7	VENIRE PERSON: I believe it. But I do.
	8	MR. WESTFALL: Have you ever done any work in
	9	your church like volunteer work or charity work?
	10	VENIRE PERSON: Yes, Bible school, yes.
	11	MR. WESTFALL: How do you feel about it?
	12	VENIRE PERSON: It's good.
	13	MR. WESTFALL: Is it something you practice?
	14	VENIRE PERSON: Yes, different organizations,
18:00	15	yes.
	16	MR. WESTFALL: Like what?
	17	VENIRE PERSON: Like the diabetes. That's one
	18	of them and the veterans. And then the church, we have
	19	different families that in time of need we give money and
	20	do what we need to do.
	21	MR. WESTFALL: Very nice. How do you feel about
	22	being on this jury?
	23	VENIRE PERSON: Well, it's like I'm on trial.
	24	You asked me a hundred questions.
	25	MR. WESTFALL: Well, I'll stop right now.

18:00	1	VENIRE PERSON: Thank you.
	2	MR. WESTFALL: Tender the juror.
	3	THE COURT: Mr. Garrett, do you have questions
	4	for the juror?
	5	MR. GARRETT: At some risk, your Honor, yes.
	6	Good afternoon. How are you?
	7	VENIRE PERSON: Fine, how are you?
	8	MR. GARRETT: Great. My name is Nathan Garrett,
	9	and I'm an Assistant United States Attorney, and I'm one
	1,0	of the prosecutors in this case. I have a few quick
	11	questions to follow-up from Mr. Westfall. You have in
	12	your questionnaire that you are married.
	13	VENIRE PERSON: Yes.
	14	MR. GARRETT: Does your husband work?
18:00	15	VENIRE PERSON: Yes.
	16	MR. GARRETT: What kind of work does he do?
	17	VENIRE PERSON: He's a teacher.
	18	MR. GARRETT: What does he teach?
	19	VENIRE PERSON: Special education.
	20	MR. GARRETT: High school or
	21	VENIRE PERSON: Now high school. It was
	22	elementary school.
	23	MR. GARRETT: You mentioned on your
	24	questionnaire You said you would want to talk to your
	25	husband or your husband would want to talk to you at night

18:00 1 about what went on during the day. It asked you if you 2 were instructed not to talk to anybody or read anything to 3 anybody about this case could you do that. 4 VENIRE PERSON: It would be very hard not to 5 communicate with him. 6 MR. GARRETT: If this Court instructed you not 7 to talk to your husband or anybody else about this case or 8 your service on this case, at least during the pendancy 9 while you are sitting as a juror --10 VENIRE PERSON: Yes, if I get instructed. 11 love my freedom. 12 MR. GARRETT: If he told you not to do that, 13 that's something you could follow? 14 VENIRE PERSON: Yes. 18:00 15 MR. GARRETT: And one of the questions was about 16 electronic intercepts. In this case you will hear 17 evidence that there were intercepts of conversations 18 involving the defendants, and you mentioned on there that 19 you had an issue with that, and I think you wrote privacy 20 next to it. Can you tell me what you mean by that? 21 VENIRE PERSON: Well, basically -- I guess there 22 is certain levels I guess. But I don't -- What do you call those devices? 23 2.4 MR. GARRETT: Wire taps. 25 VENIRE PERSON: I'm just not in favor of them.

18:00 1 Sorry. MR. GARRETT: You don't need to be sorry for 2 3 anything here today. No right or wrong answers. 4 that include where a judge has issued a warrant 5 authorizing a wire tap? VENIRE PERSON: Well, I guess there would be a 6 7 There would have to be a reason. reason. 8 MR. GARRETT: Here is what I'm asking. If a 9 judge authorized the wire tapping of someone's phone and 10 then at trial there is evidence of those conversations 11 pursuant to a warrant issued by a Court, could you 12 consider that evidence? 13 VENIRE PERSON: I guess what I'm saying by 14 privacy, if I haven't done anything being in my -- that's 18:00 15 privacy to me. 16 MR. GARRETT: I don't want that either. 17 VENIRE PERSON: Social Security, nothing. MR. GARRETT: I understand that. But if there 18 19 was evidence in this case that was derived from wire taps 20 that were lawfully authorized, could you consider that 21 evidence? 22 VENIRE PERSON: Lawfully, it is what it is. 23 MR. GARRETT: And you mentioned charity as a 24 concept is a good thing. 25 VENIRE PERSON: It is.

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remember how specific Mr. Westfall was with you, but this case involves allegations that these gentlemen seated behind me knowingly supported a terrorist organization. HAMAS is the organization. Okay? And at the end of the trial, the Judge will give you instructions on the law. He would tell you what the law is in this case. You have to figure out how the facts meet with the law, but he would tell you what the law is, and I expect he would instruct you that HAMAS for the purposes of this case is a terrorist organization. On the question of material support, as a result of the designation, it's unlawful for someone to knowingly give support to that terrorist organization. Money, which I expect there would be evidence of that, but also charitable items, if it goes to that terrorist organization, you can't send that either. Library books, medical supply, all of that stuff. If it goes to or for the benefit of one of the terrorist organizations, in this case HAMAS, you can't do that.

MR. GARRETT: And in this case -- I don't

VENIRE PERSON: I guess I do. Because I stated that since -- We backing someone, terrorists? I don't know. Even though you are saying charitable. Charitable to me is for those in need. To me that's not a special organization.

you have any problem or reaction to that?

18:00 MR. GARRETT: Okay. Okay. But if the Judge 1 2 instructs you that HAMAS is a terrorist organization and 3 as a result of that designation and as a result of that 4 status someone cannot knowingly send them money or 5 clothing or library books or any of those types of things, 6 could you follow that instruction? 7 VENIRE PERSON: Yes. MR. GARRETT: And if you have hesitation or 8 9 concern I want you to be honest. 10 VENIRE PERSON: Well, that's basically what I'm 11 I don't support anyone that does that. Any

organization -- like you say a library book or anything.

MR. GARRETT: So you could follow that instruction?

> VENIRE PERSON: Yes.

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THE COURT: Ms. Tillis, as you probably understand we're interviewing members of the pool from which the jury will be selected that would hear this case, and it will probably take us at least another day or two to complete this process. So until you hear from us again, you should not discuss this case with anyone or allow anyone to discuss it with you, nor should you watch or listen to any media accounts about this case if there Do you understand that? are any.

VENIRE PERSON: Yes, Judge.

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the courtroom.

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VENIRE PERSON: Thank you.

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THE COURT: Mr. Jacks.

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MR. JACKS: I want to interpose objections by Mr. Westfall. Specifically in questioning Ms. Tillis, he made the statement that HAMAS is not in Iraq. I assume he was trying to draw a distinction between the conflict in Iraq and the Palestinian-Israeli conflict, but that may or may not be a proper statement, and I don't think it's proper for him to make that factual representation to the juror so that the juror then believes that statement. my concern is that with making statements of fact to a juror that may or may not be true.

THE COURT: Thank you. You may be excused from

Thank you. Mr. Westfall. THE COURT:

Your Honor, the last three to MR. WESTFALL: five minutes of their questioning of every single witness has to do with an awful lot of facts, your Honor, and we're not objecting to that. We're not objecting to that at all. And Mr. Jacks complains about factual representations that I made without acknowledging the many factual representations that they are making, and I think this process has been going well. Mr. Jacks has now decided to start objecting every time I'm talking to the jury, trying to somehow limit me. But if we want to limit

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this process, I think that goes both ways. That may not be something he has considered, your Honor. I'm asking what they know about HAMAS, and I will -- Once again, I'll look for guidance from the Court. But I don't think that it's productive really in effect to get up and try to limit one side when the other side is injecting an awful lost facts of their own.

THE COURT: Mr. Westfall, I agree with much of what you have said. I think the process in general, although it's going slower than I would like, it's still going well, and I commend both sides for their use of this time for the most part. I could quibble around the edges about some of the questions that have been asked, but generally I think it's going well and used productively. And I also share your concern about objections taking up time and in some respects disrupting the process, although I certainly acknowledge counsel's duty and right to make objections when they feel obliged to do so. Insofar as this particular objection is concerned, I appreciate your seeking quidance from me, and I'm sorry to say that I don't know that I can give you specific guidance about this. I recognize and agree with what you said about the government's representations about what the evidence in this case will be, and I feel that I have to defer at this stage of the proceedings largely to counsel's knowledge of

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the evidence which is vastly superior to mine I think at this point.

I think to the extent that you told Ms. Tillis that HAMAS is not in Iraq, like Mr. Jacks, I don't know if that's true or not. I'm not knowledgeable about that, and I don't know whether it will be supported by the evidence or not. Regardless of whether it is or is not supported by the evidence, I certainly believe that your motives were entirely benign in trying to dispel any confusion that might have existed in Ms. Tillis's mind about whether we were talking about Palestine or Iraq in this case.

Nonetheless, the only guidance I can give you is to try to be sure that representations that are made in the course of questioning are well founded in the evidence that will be adduced in this trial.

I think we're ready to see next Ms. Scroggins.

Counsel for parties have some questions to ask you.

MS. MORENO: My name is Linda Moreno, and I'm a defense attorney in this case. I am going to ask you about the questionnaire you recently filled out some couple of weeks ago and also what you may have heard in this case. In looking at your questionnaire, I was struck by you were born in Australia.

VENIRE PERSON: That's correct.

MS. MORENO: And you indicated that you were a

18:00 member of the Daughters of the British Empire. Please 1 2 instruct me as to what that is. 3 VENIRE PERSON: It's a nonprofit group. 4 raise money to support an elderly people's home primarily, 5 and there are a number of chapters all over the country, 6 and usually each of them has another charity they support 7 as well. MS. MORENO: And this elderly people's homes? 9 VENIRE PERSON: In Houston. Our particular one 10 is in Houston. 11 MS. MORENO: And do other charities have other 12 specially located charities or homes they support? 13 VENIRE PERSON: There are five homes throughout 14 the United States, and you divide it into districts. The 18:00 15 people in that district support that home, and each 16 chapter -- and there a number of chapters across the 17 United States -- usually has at least one other charity 18 that they support. 19 MS. MORENO: Is there something about the 20 particular home that the Daughters of the British Empire 21 support? Are these persons who are British or Australian? 22 VENIRE PERSON: Not anymore. We're not allowed 23 to anymore. 2.4 MS. MORENO: What was the change? 25 VENIRE PERSON: Well, you got into

18:00	1	discrimination. They weren't allowed to just have it for
	2	people of British origin.
	3	MS. MORENO: But it did start out that way?
	4	VENIRE PERSON: Originally it was, yes.
	5	MS. MORENO: Is this an old organization?
	6	VENIRE PERSON: We're close to a hundred years
	7	old.
	8	
		MS. MORENO: Thank you. You have some prior
	9	jury experience?
	10	VENIRE PERSON: Yes.
	11	MS. MORENO: Where was that?
	12	VENIRE PERSON: Down at Lew Sterrett.
	13	MS. MORENO: Were you the foreperson?
	14	VENIRE PERSON: No.
18:00	15	MS. MORENO: Were there two cases that you
	16	served on?
	17	VENIRE PERSON: That's correct.
	18	MS. MORENO: One was drunk driving, and one was
	19	a robbery. Is that correct?
	20	VENIRE PERSON: That's correct.
	21	MS. MORENO: And was there anything about that
	22	experience as a juror that was unpleasant for you?
	23	VENIRE PERSON: Not especially.
	24	MS. MORENO: Was there anything pleasant?
	25	VENIRE PERSON: It's interesting.

18:00 MS. MORENO: I'm curious about how persons who 1 have served on juries before -- what they liked about it 2 3 and what they didn't like it. What did you like about the 4 past experience? 5 VENIRE PERSON: I have to say it's just that it 6 was interesting for me. I was usually sitting behind the I was formerly a claims adjustor, and I 7 represented DART, and when we had a case I had to sit and 9 represent DART. So I was sitting on the other side of the 10 table, you would say. 11 MS. MORENO: So you were an advocate? 12 VENIRE PERSON: What do you mean by that? 13 MS. MORENO: You were arguing the claims for DART? 14 18:00 15 VENIRE PERSON: Well, people have accidents and 16 other things that happen on DART vehicles, and I was a 17 claims adjustor, and I had to decide whether they were 18 owed anything or not, basically, and sometimes it went to 19 court, and I handled the case all the way from the 20 original taking it on the phone to going down to the 21 courthouse about it. 22 MS. MORENO: Did you do that often, appear in 23 court? 2.4 VENIRE PERSON: Probably two or three times a 25 year.

18:00 MS. MORENO: How long did you work for DART? 1 2 VENIRE PERSON: For DART, I worked there I think 3 about eleven years. 4 MS. MORENO: This is a case of an American 5 corporation called the Holy Land Foundation. What I would 6 like to know is if you have heard anything about this case 7 in the media. VENIRE PERSON: I saw something about it on 9 10 11

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television originally. I didn't pay much attention to it at the time, and since then -- I think the last couple of days -- they have had something about it, and since I suspected that I was going to be in the case I said I'm not going to listen to it.

MS. MORENO: And this was because of instructions you received at the orientation? VENIRE PERSON: That's correct.

MS. MORENO: Well, this is a case where the government claims that this charity sent humanitarian aid to Palestinian and other places. And that humanitarian aid was in the form of money, food, diapers, library books, the rebuilding of homes, assisting needy families and helping children. The government further claims that this humanitarian aid somehow benefited this terrorist organization called HAMAS. Have you ever heard of HAMAS?

VENIRE PERSON: Only what I have heard in the

18:00	1	media.
	2	MS. MORENO: Do you know much about it?
	3	VENIRE PERSON: Not really.
	4	MS. MORENO: Knowing just a summary of what the
	5	charges are, does that cause you any concern? Do you have
	6	any opinions about that?
	7	VENIRE PERSON: I don't really have enough
	8	information to have any opinion.
	9	MS. MORENO: Understanding that And you
	10	served in two prior criminal cases, so I take it you are
	11	familiar with the burden of proof?
	12	VENIRE PERSON: Yes.
	13	MS. MORENO: And the presumption of innocence?
	14	VENIRE PERSON: Right.
18:00	15	MS. MORENO: Before I ask you about that, do you
	16	know any Muslims?
	17	VENIRE PERSON: Not that I know of.
	18	MS. MORENO: Well, have you ever had any
	19	experience or dealings with persons of Arabic descent?
	20	VENIRE PERSON: I don't think so.
	21	MS. MORENO: I ask you these questions because I
	22	want to explore with you whether there is anything in your
	23	personal background in dealing with persons of Islamic
	24	background or Arabic descent that would assist you in
	25	understanding these gentlemen.

18:00	1	VENIRE PERSON: I don't really have any opinion
	2	about that. I don't have any negative or positive
	3	feelings about it I believe.
	4	MS. MORENO: So there is nothing in your own
	5	religious beliefs, I take it, that would color the way you
	6	look at the evidence in the case that involves Islam,
	7	charities and allegations of terrorism?
	8	VENIRE PERSON: No.
	9	MS. MORENO: Having heard me speak about this,
	10	is there anything you want to add?
	11	VENIRE PERSON: I don't believe so.
	12	MS. MORENO: Pass the juror.
	13	THE COURT: Mr. Garrett, do you have questions
	14	for the juror?
18:00	15	MR. GARRETT: Yes, your Honor.
	16	Good afternoon, ma'am. My name is Nathan
	17	Garrett, and I'm an Assistant United States Attorney. I'm
	18	one of the prosecutors for the United States in this case.
	19	I just have a couple of follow-up questions for you. You
	20	mentioned you were born in Australia. Is that correct?
	21	VENIRE PERSON: That's correct.
	22	MR. GARRETT: Where in Australia?
	23	VENIRE PERSON: Melbourne.
	24	MR. GARRETT: How long did you live in
	25	Melbourne?

18:00	1	VENIRE PERSON: I think I was about twenty-seven
	2	when I came over here.
	3	MR. GARRETT: And you came from Australia to the
	4	United States?
	5	VENIRE PERSON: That's correct.
	6	MR. GARRETT: And so you are a naturalized
	7	citizen?
	8	VENIRE PERSON: Yes.
	9	MR. GARRETT: And when did you become
	10	naturalized?
	11	VENIRE PERSON: In the very early 1970's. I
	12	don't have a date.
	13	MR. GARRETT: And since you have been in the
	14	United States, generally where have you lived?
18:00	15	VENIRE PERSON: In Dallas.
	16	MR. GARRETT: The whole time?
	17	VENIRE PERSON: Yes.
	18	MR. GARRETT: You mentioned that you were
	19	retired now.
	20	VENIRE PERSON: That's correct.
	21	MR. GARRETT: How long have you been retired?
	22	VENIRE PERSON: I think it's about two years.
	23	MR. GARRETT: And you were a claims adjustor I
	24	know.
	25	VENIRE PERSON: That's correct.

18:00	1	MR. GARRETT: You said you worked for DART.
	2	VENIRE PERSON: Dallas Area Rapid Transit.
	3	MR. GARRETT: And in response to Ms. Moreno, you
	4	said you were there eleven years.
	5	VENIRE PERSON: I believe it was about eleven
	6	years.
	7	MR. GARRETT: And prior to that, what did you
	8	do?
	9	VENIRE PERSON: Prior to that I was a claims
	10	adjustor for Amerisure which is Michigan Mutual. And
	11	before that, I worked for the University of Texas at
	12	Dallas in admissions. Prior to that I was in college. I
	13	went to UTA, Mountain View and UTA, and prior to that I
	14	worked for Lintz Jewelers.
18:00	15	MR. GARRETT: All of that here in Dallas?
	16	VENIRE PERSON: That's here.
	17	MR. GARRETT: You are married; is that correct?
	18	VENIRE PERSON: That's correct.
	19	MR. GARRETT: Is your husband retired?
	20	VENIRE PERSON: Semi-retired. He works at home
	21	though.
	22	MR. GARRETT: What sort of work does he do?
	23	VENIRE PERSON: He's a CPA.
	24	MR. GARRETT: And he works out of the home
	25	because he wants to, correct?

18:00	1	VENIRE PERSON: That's correct.
	2	MR. GARRETT: You don't have children; is that
	3	correct?
	4	VENIRE PERSON: That's correct.
	5	MR. GARRETT: I think you stated on your
	6	questionnaire or she may have asked you and if she did,
	7	I apologize that you don't follow the
	8	Israeli-Palestinian issue closely.
	9	VENIRE PERSON: Just what I see on the
	10	television from time to time.
	11	MR. GARRETT: It's not something that you seek
	12	out.
	13	VENIRE PERSON: No.
	14	MR. GARRETT: To the extent that you have been
18:00	15	exposed to it, have you formed opinions or taken a
	16	position on one side or the other that would affect your
	17	ability to sit on a case that might involve some of those
	18	issues?
	19	VENIRE PERSON: I don't believe so.
	20	MR. GARRETT: As Ms. Moreno suggested to you,
	21	this case involves allegations that these defendants and
	22	the corporation for which they worked knowingly provided
	23	material support to a terrorist organization. Those are
	24	the allegations, and they are just that, just allegations
	25	at this point. As you know from your prior jury service,

18:00 at the end of the case, after you have heard all the 1 2 evidence and all the documents and things have been 3 submitted in evidence, the Judge will instruct you on what 4 the law is in this case so that you can take all of those 5 facts that you have been subjected to over the course of 6 weeks and apply it to that law. In this case, I expect 7 that the Court will give you instructions on what a terrorist organization is. And in this case, I expect 9 that will be HAMAS, that HAMAS is a terrorist 10 organization. As a result of that designation, I expect 11 the instruction will tell you that one cannot provide 12 material support to HAMAS. That material support 13 instruction will tell you support includes funds -- money 14 can't go -- but also certain charitable items like books 18:00 15 or medical supplies or clothing. If it goes to the 16 benefit of HAMAS, you can't do that either. If that's 17 what the instructions tell you, would you have any problem 18 following that? 19 VENIRE PERSON: I don't think so. If that's how 20 I was instructed to consider the case. 21 MR. GARRETT: When you say I don't think so, 22 what do you mean? 23 VENIRE PERSON: It's hard to say until I hear 2.4 what the actual circumstances are. 25 MR. GARRETT: But if the Judge were to instruct

18:00 you this is the category of things you can't send and if 1 2 you found that they knowingly sent those things, could you follow that instruction as a violation of law? 3 4 VENIRE PERSON: Yes. 5 MR. GARRETT: Thank you, ma'am. 6 THE COURT: Ms. Scroggins, we are in the process 7 of talking to members of the pool from which the jury that will hear this case will be selected. So it probably will 9 take us another day or two to complete this process. 10 Until you hear from us further, you should not discuss 11 this case with anyone or allow anyone to discuss it with 12 you. And if there are any media accounts about the case, 13 you should not read or watch or listen to any of those. 14 Thank you, you may be excused from the courtroom. 18:00 15 Good afternoon, Mr. Robinson. Counsel for 16 parties have some questions to ask you. MS. MORENO: Good afternoon, Mr. Robinson. 17 Μy 18 name is Linda Moreno. I want to ask you some questions 19 about the questionnaire you filled out a couple of weeks 20 ago. 21 VENIRE PERSON: Okay. 22 MS. MORENO: And if you have heard anything 23 about the case -- And I am going to describe the case to 24 you in a minute. This is the case that involves an

American Muslim charity called the Holy Land Foundation.

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18:00 VENIRE PERSON: Yes. 1 2 MS. MORENO: Have you heard anything about the 3 Holy Land Foundation? 4 VENIRE PERSON: Yes. I remember reading some 5 articles about that. 6 MS. MORENO: Was that recently, sir, or in the 7 past? VENIRE PERSON: Well, actually way back in the 8 9 past and kind of recent. I didn't read the full thing, 10 but I remember hearing about it several years ago. 11 MS. MORENO: Do you remember what you heard 12 about it? 13 VENIRE PERSON: Something to do with money being 14 sent to -- I think it was being sent to Palestine and that 18:00 15 it was used for some -- I know it was used for something 16 that was illegal or something that they sent over somebody 17 used it for. I don't know, you know, the full details on 18 it. 19 MS. MORENO: Okay. Well, we're going to get 20 into that in a minute. But is there anything about what 21 you read or heard that already has colored your opinions 22 on this case? Any issues that come up for you? 23 VENIRE PERSON: No. I mean it's something I 24 think about, but I wouldn't have no opinion because I 25 really don't know the full details of what happened.

18:00 1 MS. MORENO: This is a case where the government claims that the Holy Land Foundation, this charity, sent 2 3 humanitarian aid over to Palestine. And this aid was in 4 the form of food that the Holy Land Foundation sent, 5 bread, milk, diapers for children, books, medicine, that 6 the Holy Land Foundation helped rebuild homes that were 7 destroyed in Palestine. Okay? And the government further claims that aid, that charitable humanitarian aid, somehow 9 benefited HAMAS. Have you ever heard of HAMAS? 10 VENIRE PERSON: Yes. 11 MS. MORENO: What do you know about HAMAS? 12 VENIRE PERSON: Supposed to be something similar 13 to a terrorist organization over there. 14 MS. MORENO: So that's what the government 18:00 15 claims in this case, that this is somehow material support 16 for a terrorist organization. Knowing that, which is 17 maybe a little more than you knew before, is there 18 anything that causes you concern to sit on a case like 19 this? 20 VENIRE PERSON: I would be curious to know more 21 about what really happened. I couldn't say anything about 22 it until I saw a little bit more of the facts on it I 23 quess. 2.4 Do you know any Muslims? MS. MORENO: 25 VENIRE PERSON: Well, I know some -- I guess if

18:00	1	you say Muslims from the U.S., a few, yes.
	2	MS. MORENO: And would you know them in some
	3	sort of work context or personally?
	4	VENIRE PERSON: Pretty much work.
	5	MS. MORENO: Tell me about how your experiences
	6	and interactions have been with those people.
	7	VENIRE PERSON: Pretty good. And then you know
	8	a few that I know from doing like going to their stores
	9	and anyone we communicate with each other friendly like.
	10	So everything is good.
	11	MS. MORENO: Any bad experiences about that?
	12	VENIRE PERSON: No.
	13	MS. MORENO: Nothing we would have to worry
	14	about in your past in terms of dealing with Muslims that
18:00	15	might give you some kind of prejudices here in deciding
	16	this case?
	17	VENIRE PERSON: Right. No.
	18	MS. MORENO: Nothing like that?
	19	VENIRE PERSON: No.
	20	MS. MORENO: You indicated on your questionnaire
	21	that you have followed the Palestinian-Israeli conflict
	22	somewhat closely. Do you remember saying that?
	23	VENIRE PERSON: Yes. What I'm saying is that
	24	I mean, like I say, whenever I read stories in the paper,
	25	you generally read so much of. Sometimes you read the

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18:00	1	full story, depending on how long the article is. So I
	2	mean I have heard different things about it.
	3	MS. MORENO: Do you have an opinion about the
	4	conflict, perhaps who's right or who's wrong? Have you
	5	made that decision?
	6	VENIRE PERSON: No, I've just been curious It
	7	seems like something that could be settled but no opinion
	8	on why it continues like it is. Whenever I look at the
	9	situation, I look at it, it sure would be easy to settle.
	10	MS. MORENO: You have never served on a jury
	11	before?
	12	VENIRE PERSON: Yes, a civil jury.
	13	MS. MORENO: On a civil jury?
	14	VENIRE PERSON: Yes.
18:00	15	MS. MORENO: But not on a criminal jury?
	16	VENIRE PERSON: Yes.
	17	MS. MORENO: On civil jury, were you the
	18	foreperson?
	19	VENIRE PERSON: Yes.
	20	MS. MORENO: In a criminal case, there is
	21	something called the burden of proof. Have you heard of
	22	that?
	23	VENIRE PERSON: Yes.
	24	MS. MORENO: And what that means is the
	25	government has to prove the charges beyond every single

18:00	1	reasonable doubt.
	2	VENIRE PERSON: Okay.
	3	MS. MORENO: And this is a case where they
	4	allege charges of terrorism in this case. So my question
	5	to you is, do you think that in this kind of a case with
	6	these allegations that the burden of proof on the
	7	government should be less?
	8	VENIRE PERSON: No. When you said less, less
	9	what?
	10	MS. MORENO: Less than them having to prove
	11	beyond every reasonable doubt. In other words, should it
	12	be easier on them because the charges are of this nature?
	13	VENIRE PERSON: No, I wouldn't think so.
	14	MS. MORENO: The presumption of innocence, you
18:00	15	have heard of that?
	16	VENIRE PERSON: Yes.
	17	MS. MORENO: And what these gentlemen and what
	18	his Honor would require is that you afford these gentlemen
	19	the presumption of innocence.
	20	VENIRE PERSON: Right.
	21	MS. MORENO: Do you know what the presumption of
	22	innocence is?
	23	VENIRE PERSON: That they are innocent until
	24	they are proved otherwise.
	25	MS. MORENO: Until they prove them guilty.

18:00	1	VENIRE PERSON: Right.
	2	MS. MORENO: Do you have any issues or concerns
	3	or problems with that?
	4	VENIRE PERSON: No.
	5	MS. MORENO: Is there anything in your
	6	background, Mr. Robinson, that we should know about that
	7	might touch on any of these issues of religion, terrorism,
	8	that would color the way you could look at the evidence in
	9	this case?
	10	VENIRE PERSON: No. I don't think so, no.
	11	THE COURT: Ms. Moreno, your time is expired.
	12	MS. MORENO: Thank you, your Honor. Thank you,
	13	Mr. Robinson.
	14	THE COURT: Mr. Jacks, do you have questions?
18:00	15	MR. JACKS: I do.
	16	Good afternoon, Mr. Robinson. My name is Jim
	17	Jacks and I'm an Assistant United States Attorney here in
	18	Dallas, and I'm one of the prosecutors that is going to be
	19	representing the government in this case. I have a few
	20	follow-up questions, if you don't mind. You indicated
	21	that you worked for Wynne Media as a production
	22	technician.
	23	VENIRE PERSON: Right.
	24	MR. JACKS: Can you tell me what that means or
	25	what you do?

18:00	1	VENIRE PERSON: Well, we actually do trial
	2	exhibits and litigation work for lawyers, and I pretty
	3	much do exhibits like the large boards or something for
	4	the jury to look at, those types of things, and then we do
	5	litigation work where we copy certain work papers and
	6	files and things like that.
	7	MR. JACKS: Who's Wynne of Wynne Media?
	8	VENIRE PERSON: The owner. Leslie Wynne.
	9	MR. JACKS: Is that a man or a woman?
	10	VENIRE PERSON: Man.
	11	MR. JACKS: Is he a lawyer?
	12	VENIRE PERSON: Actually none of us are lawyers.
	13	We just do the work for lawyers.
	14	MR. JACKS: How long have you been doing that?
18:00	15	VENIRE PERSON: Since about 1995.
	16	MR. JACKS: 1995.
	17	VENIRE PERSON: Yes.
	18	MR. JACKS: And
	19	VENIRE PERSON: And actually I have been doing
	20	similar work though since about 1988. But I have been
	21	doing this pretty much since 1995.
	22	MR. JACKS: Between 1988 and 1995 who did you
	23	work for?
	24	VENIRE PERSON: I worked for a company called
	25	Blair Graphics.

18:00	1	MR. JACKS: Did Blair Graphics work in
	2	litigation support or was that just part of what they did?
	3	VENIRE PERSON: Kind of part. They would do
	4	some type work for other companies. Like the company I
	5	work for, we may send work to them. But they did pretty
	6	much more architectural type of things.
	7	MR. JACKS: Is your area of work strictly like
	8	poster boards and display or did you get involved with
	9	videos and that type of thing?
	10	VENIRE PERSON: No. Most of mine is posters,
	11	like displays.
	12	MR. JACKS: Do you meet with lawyers and
	13	paralegals and talk with them about what they want?
	14	VENIRE PERSON: On occasion. I get into it once
18:00	15	in a while but not too often. Most of the people in the
	16	computer area, they do that. But every now and then,
	17	certain documents, I may speak with a lawyer about it.
	18	MR. JACKS: Do you know what the cases you are
	19	working on are about?
	20	MR. JACKS: Sometimes. But most of the time I'm
	21	not really into that part of it.
	22	MR. JACKS: Now, when you get into the trial,
	23	when you make the jury, are you going to be second
	24	guessing and criticizing our exhibits and videos? Are we
	25	going to have a critic over there in the jury box?

18:00	1	VENIRE PERSON: Well, I know I would probably
	2	pay more attention than just a normal person.
	3	MR. JACKS: The cases you have worked on, are
	4	they civil, criminal or both?
	5	VENIRE PERSON: Sometimes both.
	6	MR. JACKS: Do you know any criminal lawyers
	7	that you have done work for or you have done work that was
	8	their cases?
	9	VENIRE PERSON: Yes.
	10	MR. JACKS: Who are some of those?
	11	VENIRE PERSON: Do you know a lawyer by the name
	12	of I think they do criminal. I'm not for sure.
	13	MR. JACKS: I'm sorry. Let me shorten it. Any
	14	of the lawyers in the room that you know? I think Ms.
18:00	15	Cadeddu, Marlo Cadeddu is from Dallas.
	16	VENIRE PERSON: I don't know any faces.
	17	MR. JACKS: She just stood up. Mr. Westfall
	18	from Fort Worth, have you done any cases that he might
	19	have been involved in?
	20	VENIRE PERSON: I don't see any faces that I'm
	21	familiar with.
	22	MR. JACKS: Do you ever go to the trial to watch
	23	or see how the things are set up?
	24	VENIRE PERSON: No. I have gone in order to
	25	take the boards or documents to the trial, but I don't

18:00	1	actually ever stay in there. I don't really see what's
	2	going on.
	3	MR. JACKS: Being in the work that you do, do
	4	you feel like you've got a better knowledge of the court
	5	system than say the average juror?
	6	VENIRE PERSON: I don't think so because, like I
	7	said, a lot of things I do I'm not there to see how they
	8	present it or anything like that.
	9	MR. JACKS: You said your wife works for the
	10	county clerk.
	11	VENIRE PERSON: Yes, she works in the family
	12	section of the county.
	13	MR. JACKS: Here in Dallas County?
	14	VENIRE PERSON: Yes.
18:00	15	MR. JACKS: How long has she been there?
	16	VENIRE PERSON: About three years I believe.
	17	MR. JACKS: What did she do before that?
	18	VENIRE PERSON: Clerk for the City of Dallas.
	19	MR. JACKS: What department?
	20	VENIRE PERSON: In the ticket department.
	21	Traffic ticket department.
	22	MR. JACKS: So if you got a traffic ticket
	23	Did she work at the counter or in the back?
	24	VENIRE PERSON: At the counter.
	25	MR. JACKS: Well, I may have seen her. As has
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been mentioned to you, this case involves charges that an organization and the men that work for that organization provided material support for a terrorist organization. And if you are selected for the jury, the Judge will tell you at the end of the case what the law is, what has to be present to prove a charge of providing material support to a terrorist organization. Now, I expect the evidence will show that money, currency, was sent overseas, and the government is alleging that it went to a terrorist organization or for their benefit or to organizations that were affiliated with them. Now, if the evidence shows that money was later spent on humanitarian items like medical supplies or educational supplies or anything like that, if that is what the evidence shows, I expect the Judge will include in his instructions a part of the law that even aid in the form of charitable items is prohibited, and if charitable items are purchased with that money or, in fact, directly given to that organization, that's still a violation of the law.

Now, if that instruction is given to you, would you be able to follow that instruction? And by that I mean if you believe that, yes, they gave money but that money was spent on these kind of charitable things, would you be able to follow that instruction and return a verdict of guilty if you believed that it was done for the

18:00 benefit of this terrorist organization? 1 VENIRE PERSON: Well, wait a minute. Let me see 2 3 if I'm understanding you right. 4 THE COURT: Mr. Jacks, your time has expired. 5 MR. JACKS: Thank you, your Honor. 6 THE COURT: Mr. Robinson, as you can probably 7 tell, we're in the process of interviewing those who are in the pool from which the jury will be selected that 9 would hear this case. I expect this process will take us 10 another day or two to complete. In the meantime, until 11 you hear from us again, you should not discuss this case 12 with anyone or allow anyone to discuss it with you, and if 13 there are any media accounts about the case, you should 14 not read or watch or listen to any of them. Thank you. 18:00 15 You may be excused from the courtroom. 16 VENIRE PERSON: Thanks. 17 THE COURT: Good afternoon, Ms. Wolverton. 18 Counsel for the parties in this case have some questions 19 they would like to ask you. 20 MR. WESTFALL: Ms. Wolverton, I'm Greg Westfall. 21 I'm one of the attorneys in this case. I am going to 22 speak with you a very few minutes and then the government 23 may speak with you. Okay? 2.4 VENIRE PERSON: Yes. 25 MR. WESTFALL: This is the Holy Land Foundation

18:00	1	case. It's Holy Land Foundation for Relief and
	2	Development, and the allegation is some of the men
	3	involved with the organization gave material support to
	4	HAMAS which is a terrorist organization. I'm telling you
	5	that because does that ring any bells? Have you heard of
	6	it?
	7	VENIRE PERSON: I have seen stories in passing.
	8	MR. WESTFALL: Can you remember anything you
	9	read?
	10	VENIRE PERSON: Not especially, no. Yes, I have
	11	seen in passing.
	12	MR. WESTFALL: Anything you have read or seen,
	13	have you formed any opinion about the case?
	14	VENIRE PERSON: Not especially.
18:00	15	MR. WESTFALL: You work with?
	16	VENIRE PERSON: Bank of America.
	17	MR. WESTFALL: In I think corporate actions?
	18	VENIRE PERSON: Yes.
	19	MR. WESTFALL: What is corporate actions?
	20	VENIRE PERSON: We process It's a security
	21	operation, and I process voluntary corporate actions. If
	22	a company declares a dividend and you choose stock or
	23	cash, I'm the person that would process it for you.
	24	MR. WESTFALL: Okay. Shareholders decide
	25	whether they want the money or like a stock re-investment?

18:00	1	Program.
	2	VENIRE PERSON: Yes.
	3	MR. WESTFALL: And you are the person that does
	4	that?
	5	VENIRE PERSON: Yes.
	6	MR. WESTFALL: What you do, does it have
	7	anything to do with financial investigations?
	8	VENIRE PERSON: No.
	9	MR. WESTFALL: So what's the procedure?
	10	VENIRE PERSON: We receive notifications from
	11	companies that declare dividends or tender offers such as
	12	that, and we notify the investment managers, and based on
	13	their decision we put depository and when I receive
	14	instructions I process them.
18:00	15	MR. WESTFALL: Have you ever worked in a bank
	16	where you did forensic investigations on financial
	17	documents or anything like that?
	18	VENIRE PERSON: No.
	19	MR. WESTFALL: Now, this case is material
	20	support of terrorism. So terrorism is kind of in the
	21	title of the offense we're talking about. How do you feel
	22	about being on a jury where we're talking about
	23	allegations of anything that has to do with terrorism?
	24	VENIRE PERSON: A little uncomfortable. I'm
	25	sure no more than anybody else would be.

18:00	1	MR. WESTFALL: Anything about that Would that
	2	impair your service?
	3	VENIRE PERSON: I don't think so.
	4	MR. WESTFALL: Do you know any Muslims?
	5	VENIRE PERSON: No.
	6	MR. WESTFALL: Have you ever?
	7	VENIRE PERSON: No.
	8	MR. WESTFALL: Have you ever had any good
	9	experiences or bad experiences?
	10	VENIRE PERSON: No.
	11	MR. WESTFALL: How long have you been doing
	12	corporate actions work?
	13	VENIRE PERSON: I have been with Bank of America
	14	for seven years, and I have been in corporate actions for
18:00	15	five.
	16	MR. WESTFALL: You are married?
	17	VENIRE PERSON: Yes.
	18	MR. WESTFALL: What does your husband do?
	19	VENIRE PERSON: He's self-employed, landscaping,
	20	irrigation, handyman.
	21	MR. WESTFALL: That's a pretty good business
	22	these days, isn't it?
	23	VENIRE PERSON: That's a matter of opinion.
	24	MR. WESTFALL: You don't have any kids at the
	25	house?

18:00	1	VENIRE PERSON: No.
	2	MR. WESTFALL: Is Bank of America okay with you
	3	doing extended jury service?
	4	VENIRE PERSON: I have not asked that question,
	5	but I'm sure they don't have much of a choice in the
	6	matter.
	7	MR. WESTFALL: Don't feel like you would lose
	8	your job over this?
	9	VENIRE PERSON: I didn't think I could lose my
	10	job over this.
	11	MR. WESTFALL: I truly have no idea. Tell me
	12	about your brothers.
	13	VENIRE PERSON: My brothers?
	14	MS. CADEDDU: You mentioned two brothers in your
18:00	15	questionnaire that ran into some legal problems.
	16	VENIRE PERSON: Yes, both of them went to prison
	17	for drug issues.
	18	MR. WESTFALL: Was it the same case they both
	19	went to prison on or?
	20	VENIRE PERSON: Yes, essentially. One brother
	21	had been in trouble before and was on probation and went
	22	to jail over that, yes. And my oldest brother went to
	23	jail several times due to drug issues.
	24	MR. WESTFALL: How are they doing now?
	25	VENIRE PERSON: They are both deceased.

18:00	1	MR. WESTFALL: I'm sorry. How long ago was
	2	that?
	3	VENIRE PERSON: Four years and for the last one
	4	six years prior to that, that my oldest brother passed
	5	away.
	6	MR. WESTFALL: The banking business, have you
	7	been in any banking business before you started doing
	8	corporate actions?
	9	VENIRE PERSON: Well, I have been with the bank
	10	for five years and corporate actions for five, and prior
	11	to that, it was on the data entry system.
	12	MR. WESTFALL: Thank you.
	13	THE COURT: Mr. Jacks, do you have questions for
	14	Ms. Wolverton?
18:00	15	MR. JACKS: Yes, sir. Good afternoon, my name
	16	is Jim Jacks. I'm an Assistant United States Attorney
	17	here in Dallas, and I'll be one of the prosecutors
	18	representing the government during this trial. I have
	19	just a few follow-up questions to ask if you don't mind.
	20	Have you lived in the Dallas area all of your
	21	life?
	22	VENIRE PERSON: Yes, I have.
	23	MR. JACKS: Is the same true of your husband?
	24	VENIRE PERSON: That is true, yes.
	25	MR. JACKS: Regarding your college background,

18:00	1	you stated you had some hours of community college and
	2	that was in computer science.
	3	VENIRE PERSON: Yes, sir.
	4	MR. JACKS: Before Bank of America, what type of
	5	work did you do?
	6	VENIRE PERSON: I was a homemaker before that
	7	for three years, and prior to that, public storage
	8	warehouse for seventeen years.
	9	MR. JACKS: Like public warehouse?
	10	VENIRE PERSON: We processed orders and shipping
	11	and controlled their inventory.
	12	MR. JACKS: What kind of products?
	13	VENIRE PERSON: A variety of products.
	14	Cosmetics all the way down to hazardous materials.
18:00	15	MR. JACKS: And the name of the company was
	16	Public Warehouse or that's a description?
	17	VENIRE PERSON: No. That's the description of
	18	the type of business it was.
	19	MR. JACKS: What was the name of the company?
	20	VENIRE PERSON: It was first called the Senner
	21	Companies, and they went out of business, and then they
	22	were acquired by Texas Cartage.
	23	MR. JACKS: And prior to doing what he does now,
	24	the handyman and landscaping service, did he do any
	25	different work before?

18:00	1	VENIRE PERSON: Yes, he did. He was a salesman
	2	for Ms. Baird's for twenty years.
	3	MR. JACKS: Does that mean he had a route and
	4	drove?
	5	VENIRE PERSON: Yes.
	6	MR. JACKS: Your prior jury service, you said it
	7	was a criminal case on your questionnaire.
	8	VENIRE PERSON: Well, they wouldn't let us ask
	9	questions. It was very minor. So I didn't know if it
	10	constituted crime or not.
	11	MR. JACKS: Was it in a justice of the peace
	12	court or county courthouse or do you remember?
	13	VENIRE PERSON: It was at the county courthouse,
	14	and it was about giving false information to a police
18:00	15	officer.
	16	MR. JACKS: Was it a six-person jury or
	17	twelve-person jury?
	18	VENIRE PERSON: Six.
	19	MR. JACKS: And the trial lasted a day or two?
	20	VENIRE PERSON: A day.
	21	MR. JACKS: And I can't remember. Were you the
	22	foreperson or not?
	23	VENIRE PERSON: I was not.
	24	MR. JACKS: As has been mentioned to you, I
	25	suppose the central charges as they are described in this

18:00 15

case are that this Holy Land Foundation and men that worked for it have been charged with among other things providing material support to a terrorist organization, specifically HAMAS. I cannot remember what you said, if you have ever heard of the organization HAMAS. Have you?

VENIRE PERSON: I have heard the name. But it doesn't especially mean anything to me.

MR. JACKS: When you heard it, was it in the context that it was a terrorist organization?

VENIRE PERSON: I believe so.

MR. JACKS: You have been on a trial jury before. So you know when all the evidence is finished, the Judge instructs the jury on the law and reads it to them, and in fact, normally gives them those written instructions so that they know what the laws are for the various charges and what definitions and that type of thing. Do you recall that from your earlier jury service?

VENIRE PERSON: Yes.

MR. JACKS: If the evidence shows in this case that HAMAS, this terrorist organization, has a military side but then a social side also and if the evidence shows that these items of support, actually money, went to that social side and then further if the instructions that you get from the Court — if the Court tells the jury that even items of charity such as food or clothing or anything

18:00 15

like that, whether those items directly are given over to that organization or the money that is given over to that organization is then spent on things like that, if the Judge tells the jury that even expenditures like that are a violation of the law, would you be able to accept that instruction and to follow it?

VENIRE PERSON: If that's the law, yes.

MR. JACKS: The fact that they — that these items may have gone for a humanitarian purpose but they went for the benefit of a terrorist organization, you could follow that instruction if the Judge told you that would be a violation?

VENIRE PERSON: If that was the law, yes, I could.

MR. JACKS: Thank you, ma'am.

THE COURT: Ms. Wolverton, we are in the process of talking with members of the pool from which this jury will be selected, and I expect that process will continue for another day or so. In the meantime, until you hear from us again, you should not discuss this case with anyone or allow anyone to discuss it with you, and if there are any media accounts of the case, you should not read or watch or listen to any of those. Thank you. You may rejoin the others in the hall.

MR. WESTFALL: Your Honor, we're having a

18:00	1	popular demand to run to the bathroom real fast.
	2	THE COURT: I was trying to get one more in, but
	3	if it's urgent.
	4	MR. WESTFALL: It was urgent two ago.
	5	THE COURT: All right. We'll be in recess for
	6	fifteen minutes.
	7	(Recess)
	8	THE COURT: Good afternoon, Ms. Ritter.
	9	Counsel for the parties in this case have some questions
	10	they would like to ask you. Ms. Moreno.
	11	MS. MORENO: Thank you, your Honor. Good
	12	afternoon. My name is Linda Moreno. I'm one of the
	13	defense lawyers in this case. I want to ask you some
	14	questions about the answer in your questionnaire and if
18:00	15	you have heard anything about this case.
	16	VENIRE PERSON: All right.
	17	MS. MORENO: This is a case that involves an
	18	American Muslim charity called the Holy Land Foundation.
	19	Have you heard anything about the Holy Land Foundation in
	20	the press recently or in the past?
	21	VENIRE PERSON: Actually last night was the
	22	first time.
	23	MS. MORENO: Was the first time?
	24	VENIRE PERSON: Yes.
	25	MS. MORENO: And what did you hear?
	l	

18:00 1 VENIRE PERSON: That there was going to be this case about the Holy Land and it had to do with aiding 2 3 money to terrorism. And it would be a long case. 4 MS. MORENO: And is that something you saw on 5 TV? VENIRE PERSON: Yes. I don't know. 6 It was 7 after the six o'clock news. MS. MORENO: And after you heard that it was the 9 Holy Land case that had these terrorism related charges 10 and you knew you were coming today for jury selection, 11 what did you think? 12 VENIRE PERSON: I thought this is the case I 13 came in June for to answer questions about. 14 MS. MORENO: What I want to explore with you a 18:00 15 little bit is if there is anything about what you heard 16 last night on the news or from filling out that 17 questionnaire that causes you any concern at this point 18 before you go any further. 19 VENIRE PERSON: Just the length of time? 20 MS. MORENO: Let's talk about that. The case 21 could take three months, four months, more or less. Does 22 that impose an economic hardship for you? 2.3 VENIRE PERSON: Not economic but I'm a school 24 teacher, and I teach middle school math. So I have a 25 concern for my students.

18:00 15

MS. MORENO: Tell me more about that concern.

VENIRE PERSON: Since I do teach math, I would think that as parents out here in the crowd, if you knew that your school teacher who teaches math is going to be gone four days a week and there one day a week to teach your child and a substitute would be there the other four days, how would you feel about the education of your child?

MS. MORENO: Well, I want to know how you feel about that.

VENIRE PERSON: I take a personal interest in my students and because of Texas and the TAKS test, and it relates to that -- It's hard for me because I tutor, and I tutor all the time -- during advisory, mornings, afternoons. I'm not one of those teachers that sits back and says good luck.

MS. MORENO: I think you are sharing that you are a very committed teacher, and as parents I'm sure we all appreciate that. The question I need to know the answer to is given all of that is that something you would be so distracted -- as you said you would have to sit if this courtroom every day and look at the evidence -- would you be so distracted that you could not give your full attention?

VENIRE PERSON: It would not distract me being

18:00	1	here for the case because I'm one of those people that
	2	whatever I'm doing at the time I'm fully committed.
	3	MS. MORENO: Anything else you want to tell us
	4	about that particular issue?
	5	VENIRE PERSON: No, other than the time.
	6	MS. MORENO: Do you know any Muslims?
	7	VENIRE PERSON: No.
	8	MS. MORENO: Have you ever had any interaction
	9	with persons of Muslim decent?
	10	VENIRE PERSON: Other than at airports. I'm
	11	sure walking down the street maybe. I'm sure that's it.
	12	MS. MORENO: I'm asking you these questions
	13	also. Let me tell you there is no right or wrong answer.
	14	What we need to know is if you have any preconceived
18:00	15	notions or prejudices that would prevent you from being a
	16	fair juror in this case.
	17	VENIRE PERSON: No, because I really don't know
	18	the total background of their religion or culture. I
	19	really don't know a lot about it.
	20	MS. MORENO: I was going to ask you a little bit
	21	about that. You are a member of the Casa View Baptist
	22	Church.
	23	VENIRE PERSON: Yes, sir.
	24	MS. MORENO: Is there anything about your
	25	religion that you believe might interfere when you are

18:00	1	looking at a case that involves a religion that you don't
	2	know too much about, Islam?
	3	VENIRE PERSON: I'm sorry. Repeat that.
	4	MS. MORENO: Is there anything about your
	5	religion, belief or convictions that may color the way you
	6	look at a case like this that involves the religion of
	7	Islam?
	8	VENIRE PERSON: No. Everybody still has the
	9	freedom of their own religion. Whatever you are raised,
	10	it depends on what you think, your own opinion, but they
	11	can certainly have their own belief.
	12	MS. MORENO: In your congregation, do you have
	13	charities that you support? Does your congregation have
	14	certain charities they support?
18:00	15	VENIRE PERSON: Not necessarily charities but
	16	missionary work.
	17	MS. MORENO: And where would that missionary
	18	work be?
	19	VENIRE PERSON: To Africa, France. I can't
	20	recall all the countries.
	21	MS. MORENO: And the missionary work that your
	22	church supports, is this in the form of humanitarian aid,
	23	food? What is it?
	24	VENIRE PERSON: To go out and build churches and
	25	spread the gospel.

18:00	1	MS. MORENO: Is there any other component to
	2	that missionary work that involves humanitarian aid?
	3	VENIRE PERSON: Not to my knowledge.
	4	MS. MORENO: In the building of churches, does
	5	this happen in foreign countries like Africa and other
	6	places that your congregation supports?
	7	VENIRE PERSON: Yes.
	8	MS. MORENO: Are these churches that you build
	9	in certain towns and villages throughout the country?
	10	VENIRE PERSON: Yes.
	11	MS. MORENO: Are these supported entirely by
	12	your congregation?
	13	VENIRE PERSON: No. Probably also from the
	14	Southern Baptist Convention.
18:00	15	MS. MORENO: How do you feel about charity?
	16	VENIRE PERSON: Well, it's a good thing. Some
	17	organizations, they couldn't do without a charity. You
	18	know, it's helping someone else who can't help themselves
	19	sometimes.
	20	MS. MORENO: This case involves an American
	21	Muslim charity called the Holy Land Foundation.
	22	THE COURT: Ms. Moreno, your time has expired.
	23	MS. MORENO: Thank you. Thank you for answering
	24	my questions.
	25	THE COURT: Mr. Jacks, do you have questions for

18:00	1	Ms. Ritter?
	2	MR. JACKS: Yes, your Honor. Good afternoon,
	3	Ms. Ritter.
	4	VENIRE PERSON: Good afternoon.
	5	MR. JACKS: My name is Jim Jacks. I'm an
	6	Assistant United States Attorney here in Dallas, and I'll
	7	be one of the prosecutors representing the government
	8	during this trial. I have just a few questions for you as
	9	well, if you don't mind. I take it your children are all
	10	grown and out of the house.
	11	VENIRE PERSON: Yes, they are all teachers.
	12	MR. JACKS: And one of the lists you filled out
	13	you showed your husband was a vice president for AC Horn.
	14	VENIRE PERSON: Yes.
18:00	15	MR. JACKS: What type of a company is that?
	16	VENIRE PERSON: Precision sheet metal.
	17	MR. JACKS: How long has he worked for that
	18	company?
	19	VENIRE PERSON: Thirty, thirty-one years.
	20	MR. JACKS: Is it a company that's strictly
	21	located in Dallas or statewide or nationwide?
	22	VENIRE PERSON: No. It's family owned, and it's
	23	here in Dallas.
	24	MR. JACKS: I wanted to follow-up on your
	25	educational background. You have a college degree?

1	VENIRE PERSON: Yes.
2	MR. JACKS: And where did you receive your
3	degree?
4	VENIRE PERSON: At East Texas.
5	MR. JACKS: And your description of your major
6	was inter-disciplinary studies with an emphasis in
7	English. Am I interpreting that right?
8	VENIRE PERSON: Yes, that is my minor.
9	MR. JACKS: And after college did you begin
10	teaching pretty soon thereafter?
11	VENIRE PERSON: Yes, sir.
12	MR. JACKS: Have you taught anywhere other than
13	the Garland School District?
14	VENIRE PERSON: No.
15	MR. JACKS: I believe you indicated that you
16	have been on a trial jury at least once before. Do you
17	feel like this is the only time or were there other times
18	that you could not recall?
19	VENIRE PERSON: No, that's the only time I
20	served.
21	MR. JACKS: Was that in Dallas County?
22	VENIRE PERSON: Yes.
23	MR. JACKS: I think we all are receptive to what
24	you were talking about regarding your commitment to your
25	students and your belief of how important it is that you
	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24

18:00 1 be there for them. And I want to make a point and ask you 2 a question about that point. I don't know how much you 3 know about how a trial jury is selected, but essentially 4 the parties will -- when the pool of jurors is finally 5 determined, the parties will elect to excuse persons. So 6 the people that end up on the jury are the people that 7 were not excused. It's kind of a service by default, if 8 you will. So there is a possibility that you could end up 9 on the jury because, you know, there were other people on 10 the panel that for one reason or the other might have been 11 struck. Am I making sense to you? 12 VENIRE PERSON: 13 MR. JACKS: Let's say you are on the jury. 14 know that's something you are not hoping or looking 18:00 15 forward to. But let's say you end up on the jury. Would 16 that be -- Would you have any kind of feelings of 17 resentment toward either side once you found out, well, I'm here now? 18 19 VENIRE PERSON: No. No. I would not have 20 resentment. Not resentment. 21 MR. JACKS: Disappointment? 22 VENIRE PERSON: Well, no, it's like I said. 23 know, when school starts, students come in, and they think 24 you are the teacher, and she says, no, I'm the substitute, 25 but your teacher will be here on Friday.

18:00 15 

MR. JACKS: I understand. You also have concern for the parents of those students and their concerns?

VENIRE PERSON: Right.

MR. JACKS: I think I speak for everybody that we're all going to try to move expeditiously in this case but at the same time doing it right. Because if it's worth doing, it's worth doing right.

VENIRE PERSON: That's only fair.

MR. JACKS: As Ms. Moreno pointed out to you — And I don't know how you refer to it, but the principal charge that seems to be referred to most often in this case is providing material support to a terrorist organization, and I expect the evidence to show that money was sent by this organization, the Holy Land Foundation, and the men that worked for it and the government has alleged in the indictment that that money was sent overseas for the benefit of HAMAS, a terrorist organization. And I can't remember what you said about if you had heard of HAMAS or knew generally what HAMAS is.

VENIRE PERSON: No, I do not.

MR. JACKS: As you may remember from having been on a jury before, at the end of the evidence before the arguments the Judge will read the law that the jury is supposed to apply to the facts from the evidence. And that instruction will contain a recitation of the law. In

18:00 other words, this is what constitutes a violation of this 1 statute. These are the definitions you may need to 2 3 understand and he would tell the jury that these are the 4 things the government must prove to show that someone has 5 provided material support to a terrorist organization. I 6 expect that there will also be an explanation or 7 instruction that talks about a provision in the law that says even if the material support that is provided to this 9 organization is in the form of what might be called 10 charitable or humanitarian items, be it food or clothing 11 or medical supplies, even if the material support is of 12 that nature, but if it goes to a terrorist organization or 13 for the benefit of a terrorist organization, that that is 14 still a violation of the law. Do you understand that 18:00 15 provision as I have attempted to explain it? 16 VENIRE PERSON: Yes, it would be some sort of 17 aid. 18 MR. JACKS: Could you apply that provision of 19 the law if the evidence showed? THE COURT: Mr. Jacks, your time has expired. 20 21 MR. JACKS: Thank you. 22 THE COURT: Ms. Ritter, we are in the process of talking with members of the pool from which the jury will 23 2.4 be selected, and I expect that process will go on for 25 another day or so. Until you hear from us further, you

18:00	1	should not discuss this case with anyone or allow anyone
	2	to discuss it with you, and also if there are any media
	3	accounts about the case, you should not read or watch or
	4	listen to any of those. Thank you for your time. You may
	5	be excused.
	6	Good afternoon, Ms. Moss. Counsel for parties
	7	have some questions for you in this case.
	8	MR. WESTFALL: Ms. Moss.
	9	VENIRE PERSON: Yes.
	10	MR. WESTFALL: I'm Greg Westfall.
	11	VENIRE PERSON: Nice to meet you.
	12	MR. WESTFALL: I'm one of the defense lawyers on
	13	this case, and I am going to speak with you for a few
	14	minutes, and then the government is probably going to want
18:00	15	to get up and speak with you. Okay?
	16	VENIRE PERSON: Okay.
	17	MR. WESTFALL: This case is the United States
	18	versus the Holy Land Foundation. It is a case where the
	19	government alleges that the Holy Land Foundation and some
	20	of the men involved in it gave material support to a
	21	terrorist organization, specifically HAMAS. Does this
	22	ring a bell? Have you heard about it?
	23	VENIRE PERSON: I have heard a little bit about
	24	it.
	25	MR. WESTFALL: Where have you heard about it?

18:00	1	VENIRE PERSON: In the newspapers only.
	2	MR. WESTFALL: Which one?
	3	VENIRE PERSON: Fort Worth Star Telegram.
	4	MR. WESTFALL: Did you read about it this last
	5	weekend?
	6	VENIRE PERSON: No, there was a little article
	7	yesterday.
	8	MR. WESTFALL: Yesterday. Okay. And having
	9	read that have you formed any opinions?
	10	VENIRE PERSON: Oh, no. I read the paper every
	11	day. I don't really have an opinion.
	12	MR. WESTFALL: Do you take the Dallas Morning
	13	News?
	14	VENIRE PERSON: No. Just the Fort Worth Star
18:00	15	Telegram.
	16	MR. WESTFALL: Do you live in the Dallas area?
	17	VENIRE PERSON: Grand Prairie, Arlington.
	18	MR. WESTFALL: In your questionnaire you said
	19	you follow the Israeli-Palestinian conflict somewhat
	20	closely.
	21	VENIRE PERSON: Not really.
	22	MR. WESTFALL: How long did you work with Grand
	23	Prairie ISD.
	24	VENIRE PERSON: Twenty years.
	25	MR. WESTFALL: You were in food service the
	l	

10.00	1	
18:00	1	entire time?
	2	VENIRE PERSON: Yes.
	3	MR. WESTFALL: And you worked in the cafeteria?
	4	VENIRE PERSON: Yes.
	5	MR. WESTFALL: How long have you been retired?
	6	VENIRE PERSON: I'm at home. I'm a domestic
	7	engineer.
	8	MR. WESTFALL: After four years you are getting
	9	good at it?
	10	VENIRE PERSON: Oh, I was good at it before.
	11	MR. WESTFALL: Do you know any Muslims or people
	12	who practice the Islamic faith?
	13	VENIRE PERSON: No, I don't.
	14	MR. WESTFALL: Never have?
18:00	15	VENIRE PERSON: No.
	16	MR. WESTFALL: Have you had any good experiences
	17	or bad experiences?
	18	VENIRE PERSON: No, not really. I don't know of
	19	anybody that's in that type of organization.
	20	MR. WESTFALL: That's in that religion?
	21	VENIRE PERSON: Yes.
	22	MR. WESTFALL: Do you practice a religion
	23	yourself?
	24	VENIRE PERSON: Yes, Baptist.
	25	MR. WESTFALL: Attend the church regularly?

18:00	1	VENIRE PERSON: Not regularly, but most of the
	2	time.
	3	MR. WESTFALL: Do you do anything else like
	4	service work?
	5	VENIRE PERSON: No. I have an autistic son that
	6	requires my time at home.
	7	MR. WESTFALL: How old is your son?
	8	VENIRE PERSON: He's thirty.
	9	MR. WESTFALL: Is it Autism Asberger?
	10	VENIRE PERSON: He's Asberger and autistic.
	11	MR. WESTFALL: How is he getting along? You are
	12	here.
	13	VENIRE PERSON: He's with his dad today. He's
	14	very emotional, and he has to have one of us with him most
18:00	15	of the time.
	16	MR. WESTFALL: Right. So we're talking about a
	17	trial that might last four months. Is that going to pose
	18	a problem?
	19	VENIRE PERSON: No, my husband is at home. He's
	20	also retired. So our schedules revolves around him.
	21	MR. WESTFALL: Very well. This is a case where
	22	we have Muslim men charged with material support of
	23	terrorism. So terrorism is in the name of the charge.
	24	That can evoke some strong emotions given the last several
	25	years, and you know what I'm talking about.

18:00 VENIRE PERSON: Yes. 1 MR. WESTFALL: Just think for a moment and then 2 3 the question really is, in a case involving Muslim men and 4 terrorism is in the title of it, can you be fair and 5 impartial? Is there anything that might keep you from 6 being fair and impartial? 7 VENIRE PERSON: Not to my knowledge there is not. I don't know enough about what is going on. 8 9 MR. WESTFALL: This is a criminal case, and the 10 way it's supposed to work is when a jury is listening and 11 makes a decision, that decision can only be based on the 12 evidence and can't be based on anything outside --13 newspapers articles and all of that. 14 VENIRE PERSON: Yes. 18:00 15 MR. WESTFALL: And also personal feelings. 16 VENIRE PERSON: Personal opinions? 17 MR. WESTFALL: Right. Sounds like that wouldn't 18 be a problem with you. You would be able to listen to the 19 evidence? 20 VENIRE PERSON: Yes. I'm usually an open-minded 21 person about everything until I hear the whole story. 22 MR. WESTFALL: What did you like most about 23 working in the cafeteria? 2.4 VENIRE PERSON: The children. It's an 25 interesting place to work. There is never a dull moment

18:00	1	when you work with kids, no matter what part you work
	2	with, and then I have my son at home, and that is a task
	3	in itself.
	4	MR. WESTFALL: Did you work in the part where
	5	the kids actually come through the line?
	6	VENIRE PERSON: I only worked part time, but
	7	yeah, that's what I did.
	8	MR. WESTFALL: So you did it part time?
	9	VENIRE PERSON: Yes.
	10	MR. WESTFALL: For twenty years?
	11	VENIRE PERSON: And I worked there because of my
	12	son.
	13	MR. WESTFALL: So your son went there, too?
	14	VENIRE PERSON: He went to the school where I
18:00		was at. He was in that school for three years, and then
	16	he went onto high school.
	17	MR. WESTFALL: What is his name?
	18	VENIRE PERSON: David.
	19	MR. WESTFALL: Thank you very much, ma'am.
	20	VENIRE PERSON: Yes.
	21	THE COURT: Mr. Jacks, do you have questions for
	22	Ms. Moss?
	23	MR. JACKS: Yes, your Honor. Thank you. Good
	24	afternoon.
	25	VENIRE PERSON: Hello, how are you?
	۷ ک	venine renson: netto, now are you:

18:00	1	MR. JACKS: My name is Jim Jacks. I'm an
	2	Assistant United States Attorney here in Dallas, and I am
	3	going to be one of the prosecutors during this trial. I
	4	have a couple of questions I would like to ask you as
	5	well.
	6	MR. JACKS: On one of the forms you filled out,
	7	you indicated your husband was with the Postal Service for
	8	thirty-five years.
	9	VENIRE PERSON: Yes.
	10	MR. JACKS: And what was his position at the
	11	end?
	12	VENIRE PERSON: A letter carrier.
	13	MR. JACKS: Was that something he did his entire
	14	career there?
18:00	15	VENIRE PERSON: No, sir. Also a clerk inside
	16	the post office.
	17	MR. JACKS: The school at which you worked,
	18	which school district was that?
	19	VENIRE PERSON: Grand Prairie ISD.
	20	MR. JACKS: Did you work at a particular campus?
	21	VENIRE PERSON: Yes, I worked at a middle
	22	school.
	23	MR. JACKS: Do you live in Grand Prairie?
	24	VENIRE PERSON: Yes, I do.
	25	MR. JACKS: Have you always lived in the Dallas

18:00 1	Fort Worth area?
2	VENIRE PERSON: I was raised in Dallas.
3	MR. JACKS: Would that be true of your husband
4	as well?
5	VENIRE PERSON: Yes.
6	MR. JACKS: And am I correct in assuming at the
7	present time living in your home is you and your husband
8	and How old is your son? Thirty?
9	VENIRE PERSON: He's thirty.
10	MR. JACKS: Is that the extent of who lives in
11	your home?
12	VENIRE PERSON: That's all except for our pet.
13	MR. JACKS: Who?
14	VENIRE PERSON: We have a cat. He thinks he's
18:00 15	part of the family.
16	MR. JACKS: They do count. Is it correct that
17	you have never served on a trial jury before?
18	VENIRE PERSON: No.
19	MR. JACKS: Have you ever received a jury
20	summons where you had to go?
21	VENIRE PERSON: Yes, I have twice.
22	MR. JACKS: Was that at Dallas County
23	Courthouse?
24	VENIRE PERSON: Yes, Dallas County.
25	MR. JACKS: Other than working in the cafeteria

18:00	1	for the school district, have you held any other jobs
	2	before that?
	3	VENIRE PERSON: Yes, I have.
	4	MR. JACKS: What did you do?
	5	VENIRE PERSON: I worked in an office for a
	6	tractor supply company.
	7	MR. JACKS: In Grand Prairie?
	8	VENIRE PERSON: No. Farmer's Branch.
	9	MR. JACKS: How long did you do that?
	10	VENIRE PERSON: I worked there eleven years.
	11	MR. JACKS: What was your job there?
	12	VENIRE PERSON: Office clerk.
	13	MR. JACKS: I realize you don't know much about
	14	what this case is about other than what we have told you.
18:00	15	VENIRE PERSON: What I read in the newspapers,
	16	and you can't believe everything you read. I just read a
	17	small little article I saw the other day.
	18	MR. JACKS: I think it's been described that
	19	this case is essentially an allegation that this
	20	foundation or organization, the Holy Land Foundation and
	21	men that worked with it or for it are accused of providing
	22	material support to a terrorist organization; namely,
	23	HAMAS. I can't remember. Have you ever heard of HAMAS?
	24	VENIRE PERSON: Well, I probably have, but I
	25	haven't paid a whole lot of attention.

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MR. JACKS: At the end of the evidence when both sides have finished presenting their witnesses and documents but before the attorneys stand up in front of the jury and give their final summation and argument, it's at that point in time that the Judge will read instructions to the jury and tell them what the law is that applies to the case, and the jury will have a written copy that they get to keep while they are deliberating, and those instructions basically tell the jury these are the laws that we're talking about. These are the statutes that the government is relying upon. He'll put definitions in there and say this is what is meant by this term. And I anticipate that one of the statutes or instructions that he would tell the jury is that -- Well, first of all, he's going to tell the jury what the government has to prove to show that someone or some group has provided material support to a terrorist organization, and I expect he would also put in there a part of the law that says even if that support that was provided over to that terrorist organization was in the form of charitable goods such as food or clothing or medical supplies -- Even if that was what we were talking about or that's what you find from having heard the evidence that was what was

given over to this terrorist organization, that even

giving things such as that is prohibited by law.

18:00 understand my statement as I explained it? 1 VENIRE PERSON: 2 MR. JACKS: My next question is if that is a 3 4 part of the law and if the Judge tells you that is part of 5 the law and you find from the evidence that's what was 6 given over, charitable items but it was given over to a 7 terrorist organization, would you be able to return a verdict of guilty under that provision of the law? 8 9 VENIRE PERSON: Probably after I heard all of it 10 I might be able to. 11 MR. JACKS: I'm not doing a very good job of 12 making it clear, but if the Judge told you that would be a 13 violation of the law, would you be able to follow that instruction? 14 18:00 15 (No response). VENIRE PERSON: 16 I'm sorry. If he told you that it MR. JACKS: 17 is a violation of the law, even if the items given were 18 charitable items, would you be able to follow that 19 instruction? 20 VENIRE PERSON: Yes, probably could. 21 MR. JACKS: Thank you. 22 THE COURT: Ms. Moss, we are in the process of 23 talking with the members of the panel from which the jury 24 will be drawn that would hear this case. I expect this 25 process to go on for another day or so. So until you hear

18:00 from us again, you should not discuss this case with 1 2 anyone or allow anyone to discuss it with you, and if 3 there are any media accounts about this case, you should 4 not read or watch or listen to any of them. 5 VENIRE PERSON: Okay. 6 THE COURT: Thank you for your time. You may be 7 excused. 8 Good afternoon, Ms. Young. Counsel for the 9 parties have some questions they would like to ask you. 10 MR. WESTFALL: Ms. Young, I'm Greg Westfall. 11 I'm one of the defense lawyers in this case, and I am 12 going to speak with you for a few minutes, and then the 13 government is going to speak with you for a few minutes. 14 How are you doing? 18:00 15 VENIRE PERSON: Fine. 16 MR. WESTFALL: This is a criminal case. 17 United States of America versus Holy Land Foundation, and 18 it's a case that involves a Muslim charity that the 19 government alleges gave material support to HAMAS which is 20 a terrorist organization. Does that ring any bells or 21 have you heard about it at all? Haven't read anything in 22 the paper? 2.3 VENIRE PERSON: No. 2.4 MR. WESTFALL: You have been twenty years in 25 Burleson?

10.00	1	MENTE DEPOSIT I
18:00	1	VENIRE PERSON: Yes.
	2	MR. WESTFALL: So South Burleson then?
	3	VENIRE PERSON: Yes.
	4	MR. WESTFALL: I was thinking that's in Tarrant
	5	County. How long have you been with the beauty school?
	6	VENIRE PERSON: About ten years. The current
	7	school about seven years. But the school business for
	8	about ten years. And I am at Aladdin.
	9	MR. WESTFALL: Do you know any Muslims?
	10	VENIRE PERSON: No.
	11	MR. WESTFALL: Have you had any experiences with
	12	a Muslim?
	13	VENIRE PERSON: I had one student that was
	14	Muslim, but she transferred to another state.
18:00	15	MR. WESTFALL: Where was she from?
	16	VENIRE PERSON: I don't know.
	17	MR. WESTFALL: You said from Aladdin?
	18	VENIRE PERSON: Yes, I had one student that was
	19	Muslim.
	20	MR. WESTFALL: Did she wear a veil and stuff?
	21	VENIRE PERSON: Yes.
	22	MR. WESTFALL: How did you get along?
	23	VENIRE PERSON: Fine, we don't discriminate. As
	24	long as she came to the school and followed the rules,
	25	that was great.

1	MR. WESTFALL: Were you friendly?
2	VENIRE PERSON: I can't be too friendly as the
3	director, but I get along with everyone.
4	MR. WESTFALL: Did she seem friendly?
5	VENIRE PERSON: She did.
6	MR. WESTFALL: This is a case that has an
7	allegation of material support of terrorism. So in the
8	title somewhere is the word "terrorism." That can evoke
9	some strong emotions, as you know.
10	VENIRE PERSON: Right.
11	MR. WESTFALL: How do you feel about being on a
12	jury that involves allegations of terrorism?
13	VENIRE PERSON: I would like to think I could be
14	fair.
15	MR. WESTFALL: Have you ever been on a jury
16	before?
17	VENIRE PERSON: No.
18	MR. WESTFALL: In a criminal case and it's
19	this way all over the United States there are
20	Constitutional rights that are accorded to people accused
21	of a crime. It doesn't matter whether it's a misdemeanor
22	or death case. Everybody gets the same right. A small
23	part of that is the right not to have to testify if you
24	don't want to in your own criminal trial, and another is
25	you are presumed innocent until the government can prove
	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24

18:00	1	you guilty beyond a reasonable doubt.
	2	VENIRE PERSON: Right.
	3	MR. WESTFALL: And so the presumption of
	4	innocence alone is sufficient to acquit somebody.
	5	VENIRE PERSON: Right.
	6	MR. WESTFALL: Have you heard those before?
	7	VENIRE PERSON: Yes.
	8	MR. WESTFALL: You don't have any difficulty
	9	with that, do you?
	10	VENIRE PERSON: No.
	11	MR. WESTFALL: Where did you go to high school?
	12	VENIRE PERSON: Alvarado.
	13	MR. WESTFALL: So you stayed in the same area?
	14	VENIRE PERSON: I did.
18:00	15	MR. WESTFALL: All the same friends growing up?
	16	VENIRE PERSON: Not really. Kind of lost touch
	17	with them when I came up this direction. There is a lot
	18	of them still down there.
	19	MR. WESTFALL: What do you do in your off time
	20	when your not at Aladdin?
	21	VENIRE PERSON: Go to the casino. I'm a
	22	gambler.
	23	MR. WESTFALL: North or east?
	24	VENIRE PERSON: North. I go to Oklahoma.
	25	MR. WESTFALL: How often do you do that?

18:00	1	VENIRE PERSON: As much as I can. Usually once
	2	or twice a month.
	3	MR. WESTFALL: Do you do any sort of charity
	4	work or church work or anything?
	5	VENIRE PERSON: No.
	6	MR. WESTFALL: Thank you very much.
	7	THE COURT: Mr. Jacks, do you have questions?
	8	MR. JACKS: Yes, sir. Good afternoon. My name
	9	is Jim Jacks. I'm an Assistant United States Attorney
:	10	here in the Northern District of Texas. I am going to be
:	11	one of the prosecutors representing the government in this
	12	trial, and I just have a few questions for you. You have
	13	not served on a trial jury before. Is that correct?
	14	VENIRE PERSON: No.
18:00	15	MR. JACKS: Have you ever been summoned and gone
	16	through jury selection?
	17	VENIRE PERSON: For the county I did.
:	18	MR. JACKS: And that's Johnson County?
:	19	VENIRE PERSON: Yes.
:	20	MR. JACKS: Do you remember if that was criminal
:	21	or civil?
:	22	VENIRE PERSON: I'm not sure. He took a plea
	23	bargain before we did the selection.
	24	MR. JACKS: How long ago was that in the past?
:	25	VENIRE PERSON: Probably about three years ago.

18:00	1	MR. JACKS: On one of the forms that you filled
	2	out you listed your husband's occupation as a machinist.
	3	VENIRE PERSON: Yes.
	4	MR. JACKS: Who does he work for?
	5	VENIRE PERSON: JDP Manufacturing.
	6	MR. JACKS: What are the initials again?
	7	VENIRE PERSON: JDP Manufacturing.
	8	MR. JACKS: What kind of products do they
	9	manufacture?
	10	VENIRE PERSON: Downstream equipment. I'm not
	11	sure. They make machines that make the plastic pipe that
	12	you need for your plumbing and stuff like that.
	13	MR. JACKS: Where is that plant located?
	14	VENIRE PERSON: Fort Worth.
18:00	15	MR. JACKS: Do you have any children?
	16	VENIRE PERSON: No.
	17	MR. JACKS: You are the director of this beauty
	18	college. You said you had been in that business for about
	19	ten years.
	20	VENIRE PERSON: Yes.
	21	MR. JACKS: Before Aladdin, where did you work?
	22	VENIRE PERSON: Fort Worth Beauty School.
	23	MR. JACKS: For about eight years?
	24	VENIRE PERSON: Yes.
	25	MR. JACKS: You were born and raised in Johnson

18:00	1	County?
	2	VENIRE PERSON: Actually I was born in Irving.
	3	We moved when I was about fifteen.
	4	MR. JACKS: How about your husband? Is he from
	5	this area?
	6	VENIRE PERSON: Originally Pittsburgh.
	7	MR. JACKS: Pennsylvania?
	8	VENIRE PERSON: No, Texas. And then he moved to
	9	Odessa.
	10	MR. JACKS: Was he ever in the military?
	11	VENIRE PERSON: No.
	12	MR. JACKS: You indicated that you had a
	13	relative in response to one of the questions who had
	14	been in jail for drugs. Do you know is he still in jail
18:00	15	or is that something
	16	VENIRE PERSON: I really don't know. I don't
	17	socialize with that end of the family too much anymore.
	18	MR. JACKS: You mentioned that you had
	19	previously had a student there who was Muslim.
	20	VENIRE PERSON: Yes.
	21	MR. JACKS: About how long was that?
	22	VENIRE PERSON: About a year ago.
	23	MR. JACKS: So it was while you were the
	24	director at Aladdin?
	25	VENIRE PERSON: Yes.

18:00	1	MR. JACKS: In your job as director, how many
	2	people work for you?
	3	VENIRE PERSON: Eight.
	4	MR. JACKS: And they are instructors?
	5	VENIRE PERSON: Yes.
	6	MR. JACKS: As director, are you the senior most
	7	person at that location?
	8	VENIRE PERSON: Yes.
	9	MR. JACKS: Do you hire and fire people if need
	10	be?
	11	VENIRE PERSON: Yes.
	12	MR. JACKS: Are you involved with like
	13	purchasing supplies and equipment, that kind of thing?
	14	VENIRE PERSON: Everything from my school I have
18:00	15	to do the ordering for.
	16	MR. JACKS: Are these schools franchises or
	17	privately owned?
	18	VENIRE PERSON: We have seventeen locations
	19	throughout, seventeen of this particular company.
	20	MR. JACKS: And your boss is located where?
	21	VENIRE PERSON: She's in Texas. Local. She's
	22	here.
	23	MR. JACKS: When you were with the Fort Worth
	24	school, did you have a management position or a teacher?
	25	VENIRE PERSON: Manager.

18:00 MR. JACKS: The whole time you are there you 1 2 were a manager? 3 VENIRE PERSON: Yes. MR. JACKS: Or move from instructor to manager? 4 5 VENIRE PERSON: No, I was manager. 6 MR. JACKS: At the end of the evidence after 7 both sides have presented their evidence in this case, the Judge will give the jury the law that they are supposed to 9 apply to the facts in this case, and he would tell you 10 what is meant by a charge of material support to a 11 terrorist organization, and he'll give you definitions. 12 have a couple of questions. I expect that he would tell 13 you that HAMAS is a designated terrorist organization; 14 that is, the United States Government has designated HAMAS 18:00 15 as a terrorist organization. I think he would also tell 16 you that it is illegal to give to them in terms of 17 material support, even if it's items for charity. Can you 18 follow that law if the Judge instructs you in that law? 19 VENIRE PERSON: Yes. 20 Thank you. MR. JACKS: Okay. 21 THE COURT: Ms. Young, we are in the process of 22 talking with the members of the pool from which the jury 23 will be drawn that would hear this case. I expect that 24 process to go on for another day or two. So until you

hear from us again, you should not discuss this case with

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18:00	1	anyone or allow anyone to discuss it with you. Also if
	2	there are any media accounts about the case, you should
	3	not read or watch or listen to any of those. Thank you
	4	for your time. You may be excused.
	5	Good afternoon, Ms. Suarez, counsel for the
	6	parties have some questions to ask you.
	7	MR. WESTFALL: Ms. Suarez, I'm Greg Westfall.
	8	I'm a defense lawyer in this case. I'll talk to you a few
	9	minutes, and then the government will talk to you. This
	10	is the United States versus the Holy Land Foundation, and
	11	the allegations are that the Holy Land Foundation and some
	12	of the men involved with the Holy Land Foundation gave
	13	material support to HAMAS which is a terrorist
	14	organization. After telling you that, does that ring a
18:00	15	bell? Have you heard of the case?
	16	VENIRE PERSON: No.
	17	MR. WESTFALL: From no source whatsoever?
	18	VENIRE PERSON: No source whatsoever.
	19	MR. WESTFALL: You are a video producer with
	20	DISD?
	21	VENIRE PERSON: Yes.
	22	MR. WESTFALL: What did you do as a video
	23	producer for DISD?
	24	VENIRE PERSON: I produce elementary distance
	25	learning programming for students and also staff
		· · · · · · · · · · · · · · · · · · ·

18:00	1	development programming for the staff.
	2	MR. WESTFALL: So distance learning I guess is
	3	someone in DISD, and if they can't be at physical school
	4	they can watch the videos?
	5	VENIRE PERSON: Right.
	6	MR. WESTFALL: Do you record the teachers doing
	7	their lectures or
	8	VENIRE PERSON: Yes, sir, sometimes we go to the
	9	training sites and edit them and get them ready for airing
	10	so more teachers can view it.
	11	MR. WESTFALL: Do you ever provide informational
	12	stuff?
	13	VENIRE PERSON: We do public service
	14	announcements that might air at the American Airlines
18:00	15	Jumbotron, that might air about the DISD students and
	16	their successes.
	17	MR. WESTFALL: And you went to school for it?
	18	VENIRE PERSON: I did.
	19	MR. WESTFALL: You have radio and television
	20	associate degree?
	21	VENIRE PERSON: Yes.
	22	MR. WESTFALL: Where did you go?
	23	VENIRE PERSON: I went to several places. I got
	24	my degree at Art Institute of Dallas. But I have a lot of
	25	other training. So.

18:00	1	MR. WESTFALL: How do you feel about possibly
	2	being a juror in a case where there is allegations that
	3	have anything to do with terrorism?
	4	VENIRE PERSON: I guess it depends on the
	5	information that I'm given. I'm not really sure. I have
	6	to hear more about it. I don't know too much about it.
	7	MR. WESTFALL: Well, the trial is going to take
	8	about four months. And I have about three more minutes.
	9	But based on the fact that The allegation is material
	10	support of terrorism, and the allegation isn't blowing up
	11	a building. It's material support of terrorism. But
	12	nonetheless we're talking about Muslims with allegations
	13	of something that has to do with terrorism.
	14	VENIRE PERSON: Right.
18:00	15	MR. WESTFALL: Given that, can you be fair and
	16	impartial in a case like that?
	17	VENIRE PERSON: I believe I can.
	18	MR. WESTFALL: You believe you can?
	19	VENIRE PERSON: Yes.
	20	MR. WESTFALL: Are you okay with being a juror
	21	in a case like that?
	22	VENIRE PERSON: About four months or so?
	23	MR. WESTFALL: No one is okay with that. Are
	24	you okay of it in terms of doing it, going through it?
	25	VENIRE PERSON: I think so. I think I would be

18:00	1	okay with it.
	2	MR. WESTFALL: Now, is there any kind of a
	3	severe hardship that the four months would cause you?
	4	VENIRE PERSON: I don't believe so. I checked
	5	with payroll, and we're covered. So I think I will be
	6	okay.
	7	MR. WESTFALL: Do you know any Muslims? Did I
	8	ask you that?
	9	VENIRE PERSON: No, and no, you didn't.
	10	MR. WESTFALL: Have you ever had any good
	11	experience or bad experience with Muslims?
	12	VENIRE PERSON: Not that I recall.
	13	MR. WESTFALL: Let's open it up. Arabs?
	14	VENIRE PERSON: Well, I deal with a lot of
18:00	15	different students, and they have a lot of different
	16	backgrounds.
	17	MR. WESTFALL: Have you kept up with the
	18	Palestinian-Israeli conflict?
	19	VENIRE PERSON: No.
	20	MR. WESTFALL: Have you ever heard of HAMAS?
	21	VENIRE PERSON: No. I'm very busy. I have
	22	three children and run a part-time business, also.
	23	MR. WESTFALL: Do you do any volunteer work
	24	through your church?
	25	VENIRE PERSON: I'm a soccer mom.

18:00	1	MR. WESTFALL: You said that. And your husband
	2	is a soccer coach?
	3	VENIRE PERSON: I did say that.
	4	MR. WESTFALL: Tell me about being a soccer mom.
	5	VENIRE PERSON: Taking the kids to practice and
	6	organizing the games.
	7	MR. WESTFALL: Is it three separate soccer
	8	teams?
	9	VENIRE PERSON: Yes.
	10	MR. WESTFALL: It's like twelve months a year?
	11	VENIRE PERSON: For the older one, yes, it's
	12	select soccer, and the younger one is on a rec soccer, and
	13	then he does indoor soccer the rest of the year.
	14	MR. WESTFALL: Thank you.
18:00	15	THE COURT: Mr. Jacks, do you have questions for
	16	Ms. Suarez?
	17	MR. JACKS: Yes, your Honor. Good afternoon.
	18	My name is Jim Jacks. I'm an Assistant United States
	19	Attorney here in Dallas, and I'll be representing the
	20	government in this trial along with some colleagues. I
	21	have a few follow-up questions if you don't mind. Your
	22	husband's occupation is soccer coach?
	23	VENIRE PERSON: Yes.
	24	MR. JACKS: Does he coach select teams or club
	25	teams?

18:00	1	VENIRE PERSON: Both. He does it full time at a
	2	high school in Dallas, and then he also coaches select
	3	soccer all the time.
	4	VENIRE PERSON: Before that, did he play soccer
	5	for a living?
	6	VENIRE PERSON: No.
	7	MR. JACKS: Did you indicate on the
	8	questionnaire he was born in Mexico City?
	9	VENIRE PERSON: Yes.
	10	MR. JACKS: When did he move to the United
	11	States?
	12	VENIRE PERSON: I believe when he was eight.
	13	MR. JACKS: Did he move to the Dallas area?
	14	VENIRE PERSON: Dallas.
18:00	15	MR. JACKS: Has he always lived in the Dallas
	16	area when he has lived in the United States?
	17	VENIRE PERSON: Yes.
	18	MR. JACKS: A naturalized citizen?
	19	VENIRE PERSON: Yes.
	20	MR. JACKS: When did he acquire his citizenship
	21	approximately?
	22	VENIRE PERSON: I am thinking about eighteen
	23	years ago.
	24	MR. JACKS: And you are from the Dallas area?
	25	VENIRE PERSON: Yes.

18:00	1	MR. JACKS: Your role or job in producing these
	2	videos, is it just kind of the overseeing it? You are not
	3	actually the cameraman?
	4	VENIRE PERSON: I'm the camera person.
	5	MR. JACKS: When you do these videos, do you use
	6	actors or real people?
	7	VENIRE PERSON: Real people.
	8	MR. JACKS: I didn't know if they were the
	9	quality your children I believe you said are two are
1	0	in elementary school, one in middle school or junior high?
1	.1	VENIRE PERSON: High school.
1	.2	MR. JACKS: Are they in the Dallas School
1	.3	District?
1	4	VENIRE PERSON: Yes, Dallas.
18:00 1	.5	MR. JACKS: You have been on a jury before, a
1	-6	trial jury?
1	. 7	VENIRE PERSON: Yes, sir.
1	. 8	MR. JACKS: And that was in Dallas County?
1	9	VENIRE PERSON: Yes.
2	20	MR. JACKS: And you said the date was about
2	21	2002?
2	22	VENIRE PERSON: I believe it was 2002.
2	23	MR. JACKS: That was sort of a driving while
2	24	intoxicated charge?
2	25	VENIRE PERSON: Yes.

18:00	1	MR. JACKS: Do you remember how long that trial
	2	took?
	3	VENIRE PERSON: Just a day.
	4	MR. JACKS: I believe you answered in response
	5	to the questionnaire that you had a relative who was
	6	incarcerated, and they were released. How close were you
	7	when that happened?
	8	VENIRE PERSON: I was very close when it
	9	happened, but I didn't keep in contact during the twenty
	10	years he was in prison. So I just recently started seeing
	11	him again.
	12	MR. JACKS: Okay. You have gone in detail on
	13	the next page I see. With regard to that event, were you
	14	ever a witness or did you have any involvement with the
18:00	15	court system in that regard?
	16	VENIRE PERSON: No, but I did sit in on the
	17	trial a couple of days just to hear what happened.
	18	MR. JACKS: So it was resolved through a trial
	19	as opposed to a plea of some sort?
	20	VENIRE PERSON: Yes.
	21	MR. JACKS: With regard to having been through
	22	that experience, do you feel like he was treated fairly by
	23	the criminal justice system?
	24	VENIRE PERSON: I really don't know because I
	25	didn't hear everything that happened, all the evidence

18:00 1 that was presented. So I couldn't judge. I didn't know 2 what to think, and so I kind of left it alone. I didn't 3 have all the facts. So I couldn't make an assumption. 4 MR. JACKS: And this would have happened when 5 you were a teenager or even younger than that? 6 VENIRE PERSON: Yes. A teenager. 7 MR. JACKS: And I believe you indicated that you 8 have not heard anything really about this particular case. 9 Is that correct? 10 VENIRE PERSON: Correct. 11 MR. JACKS: And that in regards to the reference 12 to this terrorist organization, HAMAS, have you ever heard 13 of HAMAS? 14 VENIRE PERSON: Sorry. 18:00 15 MR. JACKS: That's fine. At the end of the 16 evidence in this trial -- And you having been through a 17 trial and may recall this. But before the counsel begin 18 their closing arguments, the Judge reads the instructions 19 which are the law that is supposed to apply to the case. 20 Do you remember that? 21 VENIRE PERSON: Yes. 22 MR. JACKS: It's anticipated in this case that 23 the Judge will instruct the jury as to what the law is or 24 what makes up the charge of providing material support to 25 a terrorist organization. I expect the judge in his

18:00 instructions will tell you that HAMAS has been designated 1 by the U.S. government as a terrorist organization. 2 3 also expect that he would tell you in those instructions 4 that giving anything to HAMAS, be it money, or anything in 5 the nature of the charity is against the law. Can you 6 follow that law or those instructions if the Judge gives 7 you such instructions? 8 VENIRE PERSON: Yes. 9 MR. JACKS: Thank you. 10 Ms. Suarez, we are in the process of THE COURT: 11 talking with the members of the pool from which the jury 12 for this case will be selected, but I expect it will take 13 a couple of days more, and in the mean time you should not 14 discuss this case or allow anyone to discuss it with you, 18:00 15 and if there are any media accounts about this case, you 16 should not read or watch or listen to any of those. 17 you. You may be excused. 18 Good afternoon. Mr. Geruntho. The parties in 19 this case have some questions they would like to ask you. 20 MR. WESTFALL: Mr. Geruntho, I'm Greg Westfall. 21 I'm a criminal defense lawyer and one of the lawyers on 22 this case. I am going to speak with you for a few 23 minutes, and then the government will speak with you for a 2.4 few minutes in all likelihood. Okay. 25 VENIRE PERSON:

18:00	1	MR. WESTFALL: This is the case of United States
	2	versus Holy Land Foundation, and the allegation is that
	3	the Holy Land Foundation and several of the men associated
	4	with the Holy Land Foundation the government alleges
	5	that they gave material support to HAMAS which is a
	6	terrorist organization. Having told you that, does that
	7	ring any bells?
	8	VENIRE PERSON: A little bit, yes.
	9	MR. WESTFALL: Can you tell me from where?
	10	VENIRE PERSON: I think I read about it when it
	11	came out in the paper four or five years ago.
	12	MR. WESTFALL: How long have you lived in the
	13	area?
	14	VENIRE PERSON: Since 1999.
18:00	15	MR. WESTFALL: And I notice that you had lived
	16	up in Newark.
	17	VENIRE PERSON: Yes.
	18	MR. WESTFALL: How long did you live there?
	19	VENIRE PERSON: I was born there and then I grew
	20	up in a more rural place, but I moved back there and lived
	21	there ten years before leaving New Jersey.
	22	MR. WESTFALL: Do you miss Newark?
	23	VENIRE PERSON: Not exactly.
	24	MR. WESTFALL: I have been there a few times.
	25	VENIRE PERSON: But I'm actually going back

18:00	1	there on vacation. So I must miss it a little bit.
	2	MR. WESTFALL: You still have folks that you go
	3	up to see?
	4	VENIRE PERSON: That's right.
	5	MR. WESTFALL: Do you know any Muslims here or
	6	back in New Jersey?
	7	VENIRE PERSON: No, but as an engineer I have
	8	worked with Muslims from different countries.
	9	MR. WESTFALL: Any come to mind? Some that you
	10	work with now?
	11	VENIRE PERSON: Not right now, but I can say
	12	that I have never worked with a Muslim engineer that I
	13	didn't find to be the most courteous and polite person.
	14	MR. WESTFALL: Did you have a sense of whether
18:00	15	they were devout and practiced their religion or more
	16	secular?
	17	VENIRE PERSON: No, I really didn't.
	18	MR. WESTFALL: Around Newark there are some
	19	Muslim communities up there?
	20	VENIRE PERSON: Well, you know, I'm only aware
	21	of one of those communities. I really didn't have contact
	22	with them. I know there was one. I just can't think of
	23	the town.
	24	MR. WESTFALL: You mentioned in your
	25	questionnaire that you followed the Palestinian-Israeli

1	conflict somewhat closely.
2	VENIRE PERSON: Did I say that?
3	MS. CADEDDU: You did. Do you take it back?
4	VENIRE PERSON: No. I don't remember saying it.
5	MR. WESTFALL: You didn't put a comment. So I
6	was going to ask you what you mean by following it
7	closely.
8	VENIRE PERSON: Well, you know, it's all over
9	the news and the world we live in today. To not follow it
10	closely, you have to live in some kind of a bubble. It
11	would be more unusual to say I didn't follow it closely,
12	in my opinion.
13	MR. WESTFALL: Have you ever read any books or
14	anything besides watching on the TV to try to study up on
15	it?
16	VENIRE PERSON: I really don't watch TV.
17	MR. WESTFALL: How do you learn about it?
18	VENIRE PERSON: I get most of my news off the
19	internet.
20	MR. WESTFALL: Which sites do you like to go to?
21	VENIRE PERSON: Fox News I guess.
22	MR. WESTFALL: Do you have an opinion as to
23	who's right and who's wrong in the Palestinian-Israeli
24	issue?
25	VENIRE PERSON: To be honest, I have a little
	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24

18:00 bit of bias with regard to that. 1 MR. WESTFALL: In favor of whom? 2 3 VENIRE PERSON: In favor of Israel. 4 MR. WESTFALL: This bias that you just have 5 spoken of, would this be the kind of thing that might 6 prevent you from being a completely impartial juror in a 7 case where we're talking about Muslim men that has 8 anything to do with terrorism? 9 VENIRE PERSON: Well, it's certainly true that 10 not all Muslim men are terrorists. So I think I can make 11 that distinction. 12 MR. WESTFALL: Okay. Tell me about the bias. 13 VENIRE PERSON: I guess, you know, just the 14 subject of terrorism in general. It's hard not to be 18:00 15 biased against terrorists. 16 MR. WESTFALL: True. 17 VENIRE PERSON: And HAMAS is definitely a 18 terrorist organization. So if I were not biased against a 19 terrorist organization, I would think I would be a little 20 bit strange. Beyond that normal amount of bias, then I 21 think I'm pretty fair minded. 2.2 MR. WESTFALL: Well, you know, there is a lot of different types of criminal trials. Everything you can 23 2.4 This one has to do with several Muslim men who imagine. 25 are charged with something that has something to do with

18:00	1	terrorism, and we're talking about HAMAS. In this nation,
	2	everyone who's charged with a crime has what's called the
	3	presumption of innocence.
	4	VENIRE PERSON: Right.
	5	MR. WESTFALL: And that presumption carries all
	6	the way unless and until the government proves its case
	7	beyond a reasonable doubt. Only you can answer because
	8	only you know you. But on this case, this case as we have
	9	discussed, can you truly give effect to that presumption
	10	of innocence?
	11	VENIRE PERSON: I believe I could, yes.
	12	MR. WESTFALL: How do you like engineering?
	13	VENIRE PERSON: Sometimes I like it. Sometimes
	14	I don't.
18:00	15	MR. WESTFALL: Do you do mechanical engineering?
	16	VENIRE PERSON: Yes, sir.
	17	MR. WESTFALL: Tell me just a little bit about
	18	that.
	19	VENIRE PERSON: I work mostly in high tech
	20	electronics industries doing the mechanical design for
	21	electronics.
	22	MR. WESTFALL: Computers or anything?
	23	VENIRE PERSON: Most of the electronics are a
	24	form of a computer, one form or another of a computer.
	25	Microprocessors.

18:00	1	MR. WESTFALL: Thank you very much.
	2	THE COURT: Mr. Jacks.
	3	MR. JACKS: Good afternoon. My name is Jim
	4	Jacks. I'm an Assistant United States Attorney here in
	5	Dallas, and I will be one of the prosecutors representing
	6	the government in this trial. I have a few follow-up
	7	questions for you, if you don't mind. You indicated that
	8	your wife is a registered nurse.
	9	VENIRE PERSON: That's correct.
	10	MR. JACKS: Does she presently work or practice?
	11	VENIRE PERSON: Yes. She works on the weekends.
	12	MR. JACKS: At a hospital?
	13	VENIRE PERSON: Yes, sir.
	14	MR. JACKS: Does she do intensive care or
18:00	15	critical care or just I forget what the other
	16	terminology is.
	17	VENIRE PERSON: She's working a variety of
	18	positions. She's working ICU and emergency right now.
	19	She's on a surgical floor. Charge nurse on a surgical
	20	floor.
	21	MR. JACKS: How long has she been a registered
	22	nurse?
	23	VENIRE PERSON: In the United States since 1983.
	24	MR. JACKS: That's right. She is from the
	25	Philippines; is that correct?

18:00	1	VENIRE PERSON: Yes.
	2	MR. JACKS: Did you and she meet in the United
	3	States or somewhere else?
	4	VENIRE PERSON: Yes. New Jersey is a very
	5	multi-cultural place.
	6	MR. JACKS: And she followed you or you were
	7	married in New Jersey and moved to Texas?
	8	VENIRE PERSON: Right. And in between I lived
	9	in Maryland for a while.
	10	MR. JACKS: Who do you presently work for?
	11	VENIRE PERSON: A small company in Plano called
	12	Watch Dog Services.
	13	MR. JACKS: And what is their business?
	14	VENIRE PERSON: They made an in-car DVD system
18:00	15	for police cars. Actually, I think we have become the
	16	number one supplier of that product actually, as a small
	17	start-up.
	18	MR. JACKS: So like dashboard mounted cameras or
	19	something, it will record it to a DVD?
	20	VENIRE PERSON: That's exactly right. It's not
	21	mounted in the dashboard, but it mounts somewhere in the
	22	vehicle and then records to a DVD.
	23	MR. JACKS: And how long have you been working
	24	at that company?
	25	VENIRE PERSON: For a year and four months.

18:00 1	MR. JACKS: Are you a part owner of the company?
2	VENIRE PERSON: No.
3	MR. JACKS: You mind if I ask you where you got
4	your education, your degrees?
5	VENIRE PERSON: Of course not. I have an
6	undergraduate degree from Trenton State College in New
7	Jersey. It's now called the College of New Jersey, and I
8	have a masters degree from John Hopkins in Baltimore.
9	MR. JACKS: You have served on one trial jury;
10	is that correct?
11	VENIRE PERSON: Yes, in Newark.
12	MR. JACKS: And that was a civil case involving
13	a personal injury?
14	VENIRE PERSON: That's correct.
18:00 15	MR. JACKS: Any chance that you were the
16	foreperson of that jury?
17	VENIRE PERSON: No, I was not.
18	MR. JACKS: And for that type of a case, was it
19	a six-person jury or twelve-person jury?
20	VENIRE PERSON: I am going to say six person. I
21	don't honestly remember.
22	MR. JACKS: But that's the only trial jury
23	service you have had?
24	VENIRE PERSON: That's correct.
25	MR. JACKS: I notice that you have received a

18:00 1 security clearance in the past. 2 VENIRE PERSON: Yes, but it's no longer active. 3 MR. JACKS: About how long ago was it that you 4 received that clearance? 5 VENIRE PERSON: I had an active secret clearance 6 from 1982 to about 1985 or 1986, and then there was a one-7 or two-year period where I was no longer having one, and then I had it reinstated for another year approximately in 8 1989 to 1990. 9 10 MR. JACKS: Regarding your earlier answer about 11 I think -- Sometimes it's hard to hear when you are 12 writing down, but I think the question posed to you was 13 whether or not you have a bias because this is a terrorism 14 It's my understanding your answer was, well, I am trial. 18:00 15 opposed or I may have a bias against terrorism. 16 VENIRE PERSON: That's what I said, yes. 17 MR. JACKS: So if this was a murder trial and 18 they asked you if you had a bias against murder, is that of a similar nature to what you are talking about? 19 20 VENIRE PERSON: I think you hit the nail on the 21 head there. 22 MR. JACKS: Thank you, sir. That's all the 23 questions I have. 24 THE COURT: Sir, we are in the process of 25 talking to members of the jury pool from which the jury

will be drawn that would hear this case. But I expect 18:00 1 2 that process will go on for another day or so. Until you hear from us again, you should not discuss this case with 3 4 anyone or allow anyone to discuss it with you, and if 5 there are any media accounts about the case, you should 6 not read or watch or listen to any of those. 7 VENIRE PERSON: I have just a question, your 8 Honor. 9 THE COURT: Yes, sir. 10 VENIRE PERSON: It's my understanding that the 11 trial will last for quite a few months. 12 THE COURT: The lawyers probably know better 13 than I how long it will last, but the best estimate I have 14 heard from anyone is that it is a multi-month trial. 18:00 15 VENIRE PERSON: Yes, I don't believe I will have 16 that luxury of time to provide. I'd like to do my duty as 17 a citizen, but working for a small start-up company, it's 18 unrealistic to think that they are not going to replace me 19 if I'm gone that long. 20 THE COURT: Can you give me a little bit more 21 information about how big the company is and whether there 22 is anyone else that could pitch hit for you if you were 23 away? 2.4 VENIRE PERSON: That's the problem. I'm the 25 only mechanical engineer. We're about seventy employees.

18:00 And I know legally there is one thing of what they should 1 2 or shouldn't do, and then there is the reality that they 3 need to find somebody to do the job. If I told them it 4 was going to be a three-month trial, I'm pretty sure they 5 would start interviewing people as fast as possible. 6 THE COURT: So you have not discussed with 7 anybody there in management about your summons for jury service and the expected length of this trial? 8 9 Right. I guess I told them I VENIRE PERSON: 10 had jury duty, but I don't think I realized until recently 11 that it could be potentially that long of a trial. 12 Besides the fact that I have a vacation planned where I 13 have already purchased the airfare and reservations on 14 hotels. So personally it would be a bit of a hardship. 18:00 15 THE COURT: What is the date of your planned 16 vacation? 17 VENIRE PERSON: August 2nd through August 20. THE COURT: 18 Thank you, sir. You may be excused. 19 Ms. Medina, I believe the parties in this case 20 have some questions for you. 21 MR. WESTFALL: Ms. Medina, I'm Greg Westfall. 22 have some questions for you, and then the government will 23 have some I believe. This case is about United States of 24 America versus Holy Land Foundation. Does that ring a 25 bell for you?

18:00	1	VENIRE PERSON: No.
	2	MR. WESTFALL: This is a Muslim charity, and the
	3	allegation is that they gave material support to a
	4	terrorist organization. Having heard that, have you heard
	5	of that anywhere?
	6	VENIRE PERSON: It does ring a slight bell from
	7	a long time ago. Not recently.
	8	MR. WESTFALL: Based upon anything you read
	9	before, do you have an opinion as to guilt or innocence?
	10	VENIRE PERSON: Not to the guilt or innocence of
	11	the individual, no.
	12	MR. WESTFALL: Do you have any kind of opinion?
	13	VENIRE PERSON: Not to this case, no. I have
	14	some reservations, you know, with everything we have been
18:00	15	through in the past several years, yes.
	16	MR. WESTFALL: Please tell us about them.
	17	VENIRE PERSON: I personally With 9-11, yes,
	18	I have some biases towards those from other countries. I
	19	have strong beliefs if you are not a citizen and you don't
	20	have the proper papers to be here, you need to go home or
	21	be deported.
	22	MR. WESTFALL: Tell me about the first thing you
	23	said. I didn't quite hear.
	24	VENIRE PERSON: I tend Not knowing all the
	25	facts with 9-11, I prefer not to associate myself with

18:00	1	individuals that may be associated with those individuals
	2	if that makes sense.
	3	MR. WESTFALL: What do you mean may be
	4	associated?
	5	VENIRE PERSON: I have no Muslim friends. I
	6	don't know any Muslims. It's not a culture I'm around at
	7	all, and it's not a culture I particularly understand, and
	8	maybe it's ignorance on my part but
	9	MR. WESTFALL: In a trial where we're talking
	10	about Muslim men being charged with something that has the
	11	word "terrorism" in it, it sounds like maybe you would
	12	have difficulty being fair and impartial in that.
	13	VENIRE PERSON: Yes, I would.
	14	MR. WESTFALL: You couldn't set that aside?
18:00	15	VENIRE PERSON: I would do that to the best of
	16	my ability, to set it aside, but I can't say one hundred
	17	percent certain that it wouldn't be somewhere in the back
	18	of my head.
	19	MR. WESTFALL: Okay. Thank you.
	20	THE COURT: Mr. Jacks, do you have questions for
	21	Ms. Medina?
	22	MR. JACKS: Just very briefly, your Honor. Good
	23	afternoon, Ms. Medina. My name is Jim Jacks. I'm an
	24	Assistant United States Attorney here in Dallas, and I'm
	25	one of prosecutors in this case, and we will be

18:00	1	representing the government in this trial. I have a few
	2	questions for you as well if you don't mind.
	3	VENIRE PERSON: All right.
	4	MR. JACKS: Have you lived in this Dallas-Fort
	5	Worth area most of your life?
	6	VENIRE PERSON: Yes, sir.
	7	MR. JACKS: Were you born here?
	8	VENIRE PERSON: No.
	9	MR. JACKS: Where did you live before Dallas?
	10	VENIRE PERSON: I was born in San Jose,
	11	California, and I lived there ten years. We moved to
	12	Buda, Texas down by Austin. I lived there six years, and
	13	then I moved to Denton.
	14	MR. JACKS: Where did you attend high school? I
18:00	15	don't need the name but the community.
	16	VENIRE PERSON: The first two years was in Buda,
	17	Texas. The final two years was at University of North
	18	Texas, Denton.
	19	MR. JACKS: Where did you get your college
	20	degree?
	21	VENIRE PERSON: University of North Texas.
	22	MR. JACKS: In your position as risk manager for
	23	human resources, what does that in laymen's terms mean?
	24	VENIRE PERSON: In laymen's terms I deal with
	25	lawsuits for the City, meaning very simplistically, I help

18:00	1	the lawyers collect the paperwork, collect the data.
	2	That's my part in it. If a citizen feels we have harmed
	3	their property, I contact our insurance company, go out
	4	there with them and assess the damage and see what's going
	5	on. The other part of my job is the HR side of things
	6	which includes employee relations, including recruiting.
	7	The recruiting is for the entire city, including police
	8	officers, firemen, solid waste individuals, everybody.
	9	MR. JACKS: How long have you been in that
	10	position?
	11	VENIRE PERSON: April 2nd is when I started, of
	12	this year. I have been in HR for over ten years.
	13	MR. JACKS: Before the city, where did you work?
	14	VENIRE PERSON: Before I the city I worked for
18:00	15	Brinks Home Security for approximately eleven months.
	16	MR. JACKS: And before that?
	17	VENIRE PERSON: Before that I was with the City
	18	of Arlington, and I was an HR consultant there.
	19	MR. JACKS: I want to follow-up on some of the
	20	answers you gave. As I recall, you said you have some
	21	reservations not to this case but just generally. Did I
	22	remember that right or hear that right?
	23	VENIRE PERSON: Yes, you did.
	24	MR. JACKS: You expressed the view that you
	25	didn't think persons who were in this country that were

18:00	1	that did not have papers or were here legally?
	2	VENIRE PERSON: Illegally.
	3	MR. JACKS: Illegally. How about your attitude
	4	about people who are U.S. citizens or have proper
	5	documentation?
	6	VENIRE PERSON: That's fine. They can live and
	7	work and participate in society.
	8	MR. JACKS: You have no problem with according
	9	them the rights that they are entitled to?
	10	VENIRE PERSON: No.
	11	MR. JACKS: You talked about your views about
	12	certain things. I guess my ultimate question to you is
	13	regardless of your life experiences, or your opinion about
	14	things, would you be able to listen to the evidence and
18:00	15	have you ever served I don't mean to interrupt. But
	16	have you ever served on a criminal jury before?
	17	VENIRE PERSON: I have not.
	18	MR. JACKS: The Judge will instruct the jury on
	19	the law. Would you be able to follow the law that the
	20	Judge gives you? He says this is what the law is in the
	21	United States, would you be able to follow those
	22	instructions?
	23	VENIRE PERSON: I would like to believe I could,
	24	yes.
	25	MR. JACKS: I think you told us that you don't

18:00	1	have any Muslim friends and you don't to your knowledge
	2	associate with any. Do you mean that that would somehow
	3	affect your ability to serve on this jury?
	4	VENIRE PERSON: I would like to believe it
	5	wouldn't, but I'm not going to say with one hundred
	6	percent surety that it wouldn't, but it could.
	7	MR. JACKS: If the Constitution says all people
	8	are innocent until proven guilty, would you afford these
	9	defendants that presumption of innocence?
	10	VENIRE PERSON: I would have to if I was called
	11	to serve.
	12	MR. JACKS: Do you believe that's what the
	13	Constitution expects of its citizens?
	14	VENIRE PERSON: Yes, I do.
18:00	15	MR. JACKS: With regard to the burden of proof,
	16	the government having brought the charges has the burden
	17	of proof, and that burden is beyond a reasonable doubt.
	18	Would you hold the government to its burden and expect the
	19	government to prove its case beyond a reasonable doubt?
	20	VENIRE PERSON: Yes.
	21	MR. JACKS: Regardless of who the persons are or
	22	where they are from?
	23	VENIRE PERSON: As hard as that would be
	24	sometimes, yes.
	25	THE COURT: Ms. Medina, we are in the process of

18:00 talking to the members of the pool from which a jury to 1 hear this case will be drawn. We expect that to continue 2 3 for a couple of days. Until you hear from us, you must 4 not talk to anyone about the case or allow anyone to talk 5 to you or read or watch any media accounts about the case. 6 Thank you. You may be excused. 7 MR. WESTFALL: Your Honor, we would submit Juror 8 Medina, who we just heard from, for challenge for cause. 9 She said that she has a definite bias against Muslims. 10 While she would hope to be able to be fair, she can't say 11 that it would be a hundred percent, and I think that the 12 attempts to rehabilitate her from that definite opinion 13 certainly fell short, your Honor. Finally being forced to 14 say that, yes, I would follow the presumption of innocence 18:00 15 doesn't do it on that. So we submit her for challenge, 16 your Honor. I think the grounds are pretty clear that she 17 cannot be fair and impartial when we're talking about Muslims. 18 19 THE COURT: Mr. Jacks, I would assume from your 20 questioning of Ms. Medina that you are opposed to that. 21 MR. JACKS: Yes, sir. 22 THE COURT: I will take this one under 23 advisement. 2.4 MR. WESTFALL: Your Honor, I was asleep on Mr. 25 Geruntho. He said after looking at Fox News on the web

18:00	1	site He said I have a bias for Israel, and I wanted the
	2	record to reflect our challenge on him on that basis.
	3	He's biased towards Israel, and I don't think he can be
	4	fair and impartial. And I didn't hear him because he
	5	mumbled. Did he say he had prepaid vacation from August
	6	2nd to August 20th?
	7	THE COURT: That's what I understood, yes.
	8	MR. WESTFALL: Well, he has a hardship on the
	9	job. That's up to the Court. That's a long prepaid
	10	vacation.
	11	THE COURT: I will take this challenge for cause
	12	under advisement, too. I believe we are to see Mr. Marvel
	13	next, Number 15.
	14	Good afternoon, Mr. Marvel.
18:00	15	VENIRE PERSON: Good afternoon.
	16	THE COURT: Counsel for the parties have some
	17	questions they would like to ask you about this case. Go
	18	ahead, Mr. Westfall.
	19	MR. WESTFALL: Mr. Marvel, I'm Greg Westfall.
	20	VENIRE PERSON: Good afternoon.
	21	MR. WESTFALL: I'm a defense lawyer in this
	22	case, and I am going to speak with you for a few minutes,
	23	and then the government will speak with you. You know
	24	what case this is?
	25	VENIRE PERSON: Yes.

18:00	1	MR. WESTFALL: You know quite a bit about the
	2	case?
	3	VENIRE PERSON: Yes. I work for a newspaper.
	4	I'm a news junkie. So I followed it in the news.
	5	MR. WESTFALL: You used to work with the Dallas
	6	Morning News?
	7	VENIRE PERSON: Until December.
	8	MR. WESTFALL: And now you are with the Writers'
	9	Garrett?
	10	VENIRE PERSON: I teach there, and I also do
	11	freelance writing, and I also taught at the University of
	12	North Texas.
	13	MR. WESTFALL: When you were at the Dallas
	14	Morning News, did you know Steve McGonigle?
18:00	15	VENIRE PERSON: I knew him. We weren't friends,
	16	but I knew him to speak in the hallway.
	17	MR. WESTFALL: You weren't friends.
	18	VENIRE PERSON: No, he was on the fourth floor.
	19	I was in Features, and he was on the fourth floor.
	20	MR. WESTFALL: If you were on this jury, Steve
	21	McGonigle, as you probably know, is on the witness list.
	22	VENIRE PERSON: I expected as much.
	23	MR. WESTFALL: If he is here testifying, could
	24	you give him the same consideration or would you be biased
	25	for him or against him? Would his testimony be equal to

18:00 1 everyone else's you think? VENIRE PERSON: Well, all things considered, I 2 3 have to consider he's a journalist and I'm a journalist. 4 I know what our code of conduct is. But I assume every 5 witness would be honest unless something convinces me 6 otherwise. 7 MR. WESTFALL: You wouldn't have any trouble? VENIRE PERSON: I don't think so. 8 9 MR. WESTFALL: You said that you had written 10 about the Muslim community in your questionnaire. 11 VENIRE PERSON: Yes. 12 MR. WESTFALL: Can you tell us about that? 13 VENIRE PERSON: I'm in Features, not hard news, 14 and so the days after 9-11 we thought that in the Feature 18:00 15 Section we ought to get to know who these people are and 16 in fact put human faces on them. All of us in Features 17 did stories. I did a profile of a Muslim family in 18 Dallas, and I did a number of visits up to the Mosque in 19 Richardson. I did three or four stories. I did a story 20 when members of a Muslim family became citizens. was that kind of stuff, not hard news stuff. 21 2.2 MR. WESTFALL: How do you like Muslims? 23 VENIRE PERSON: I got along with them fine. 24 MR. WESTFALL: You went to their mosque and saw 25 their religion?

18:00 VENIRE PERSON: Yes. I talked to the head of 1 2 the mosque. It was interesting. I discussed theology a 3 little bit with them. I read the Koran. MR. WESTFALL: You did. All of it? 4 5 VENIRE PERSON: Yes. 6 MR. WESTFALL: What do you think of it? 7 VENIRE PERSON: Well, I found it fascinating, you know, and of course, as a Roman Catholic I think the 8 Bible occupies a special place, but clearly this was an 9 10 earth shaking religious work, an important work, and I 11 wasn't disturbed by it or offended by it. 12 MR. WESTFALL: Do you have any of the Muslim 13 people that you have written on or that you became friends 14 with that you still kind of keep touch with? 18:00 15 VENIRE PERSON: Not really. You know, you move 16 on to other stories. So. 17 MR. WESTFALL: Now, I know you are a journalist, 18 and I know what the journalist answer would be. But think 19 about it. You know a lot about the case. 20 arrived at any opinions as to whether or not they are 21 quilty or not? 2.2 VENIRE PERSON: No. I was going to say I have 23 no idea as to whether the charges are true or not true. 24 As far as I'm concerned, I know what the charges are, but 25 I'm a complete blank slate. I would actually like to find 18:00 1 out what this may uncover, but I have no opinion whatsoever. 2 3 MR. WESTFALL: What do you think about newspaper 4 articles as like evidence? 5 VENIRE PERSON: I think they have to be taken 6 with a grain of salt. Most of us labor to make our 7 articles as fair and balanced as possible, but we are human beings, and I think when anybody reads a newspaper 8 9 article they have to use their own intelligence and 10 judgment when reading it. This is not the word of God. 11 This is the word of an individual person who finds out 12 what he or she can and maybe misses something. 13 MR. WESTFALL: So are you comfortable sending 14 somebody to prison over what's said in a newspaper 18:00 15 article? 16 VENIRE PERSON: I would not do it just on the 17 basis of what's said in newspaper articles by any means. 18 They may be a little piece of the evidence, but there has 19 what to be far more. 20 MR. WESTFALL: I know there was some 21 conversation about that or debate about that in 22 journalistic circles a few years ago. 2.3 VENIRE PERSON: It's kind of a continuing 2.4 discussion. Journalists are extremely uncomfortable when

their articles are used as evidence, and they are

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18:00	1	extremely against testifying in cases or turning over
	2	their notes. They don't like to get caught up in the
	3	judicial process. We regard our role as something
	4	different, but invariably as journalists I myself have
	5	testified in cases where I witnessed something.
	6	MR. WESTFALL: Have you ever gone over to the
	7	Middle East?
	8	VENIRE PERSON: No.
	9	MR. WESTFALL: How long has it been since you
	10	wrote a story on the Middle East?
	11	VENIRE PERSON: Oh, gosh, maybe four or five
	12	years. I don't know because I have written so many. But
	13	certainly four or five years.
	14	MR. WESTFALL: Thank you.
18:00	15	THE COURT: Mr. Jacks, do you have questions for
	16	Mr. Marvel?
	17	MR. JACKS: Yes, please. Good afternoon, Mr.
	18	Marvel. My name is Jim Jacks. I'm an Assistant United
	19	States Attorney here in Dallas, and I'll be prosecuting
	20	along with other attorneys in this trial. I'd like to
	21	follow-up with what you wrote on your questionnaire. When
	22	you wrote, did you write as William Marvel or Bill Marvel?
	23	VENIRE PERSON: Bill Marvel.
	24	MR. JACKS: How long have you worked here in
	25	Dallas?

18:00 VENIRE PERSON: I came here from Washington DC 1 in 1986, and then I worked for Dallas Morning News. 2 3 MR. JACKS: Did you work before 1961? VENIRE PERSON: Yes, Denver, Colorado, and 4 5 covered the federal courts briefly, and then Washington DC 6 where I worked for the National Observer, and since 1977 I 7 have been here. So I have been all of my life in the 8 newspaper business. 9 MR. JACKS: And in Colorado you said your 10 assignments were basically covering the federal courts. 11 VENIRE PERSON: I rotated through the whole 12 newspaper, and for a number of years, I was the federal 13 beat reporter, and that involved covering the federal 14 courts. So probably about two and a half years I covered 18:00 15 the federal courts in Denver. 16 MR. JACKS: Working backwards, when you worked 17 at the Morning News, you stated you were in Features. 18 that true for the entire term of your time at the Morning 19 News? 20 VENIRE PERSON: Yes, I was brought over from entertainment because I had been an art critic for a 21 22 while, and I wanted to write more broadly about topics, 23 and so I worked my way to Features. 2.4 MR. JACKS: And Features would have been 25 normally what part of the paper?

18:00 VENIRE PERSON: Well, Features now no longer 1 2 exists, as it did in the news. But that would have been 3 in a separate section. You know -- You have the front 4 section and then the Metro Section and then sports and 5 news and a special section of features which originally 6 just had -- was for interest and good writing. Now it's 7 become more and more a section of useful news for busy housewives and things like that. But when I was writing 8 9 for it, we did a little bit of everything. 10 MR. JACKS: And at the Times Herald what was 11 your assignment? 12 VENIRE PERSON: When I started at the Times Herald, I was an arts writer. I had been an art critic. 13 14 So I was mostly an arts writer. 18:00 15 MR. JACKS: You talked about the projects you 16 worked on that involved the Muslim community. That was 17 post 9-11? 18 VENIRE PERSON: Yes. 19 MR. JACKS: And you said that you had been to 20 the mosque in Richardson? 21 VENIRE PERSON: Yes. 22 MR. JACKS: On more than one occasion? 23 VENIRE PERSON: Oh, I would say at least maybe 24 four occasions. Maybe more. Some of them were just 25 visits where I was not necessarily working on a specific

18:00 story. And others were -- You know, I did a profile of 1 the president of the mosque, and I was invited out, and I 2 3 did a profile on men in the Muslim community and spent 4 some time at the mosque. 5 MR. JACKS: In your visits to the mosque, did 6 you ever cross paths with any of the defendants in this 7 case? VENIRE PERSON: You know I saw that 9 questionnaire. I may well have met one of them or several 10 It didn't lodge in my mind. of them. 11 MR. JACKS: These feature stories that were 12 written post 9-11, if the Holy Land Foundation was shut 13 down September 4th of 2001, were your articles after that date? 14 18:00 15 VENIRE PERSON: Some of them were. I don't know 16 the exact dates now, but I'm sure some of them at least 17 were, and I know the one where the mother and father 18 became citizens, that would have been after that date. 19 MR. JACKS: And when you were preparing or 20 researching this article, did the topic of the Holy Land 21 Foundation come up? 2.2 VENIRE PERSON: I don't ever remember discussing 23 It may have popped up at one time or another, but I 24 don't remember specifically discussing it. No. If it 25 did, it has passed out of my memory.

18:00 1 2 3 4 5 you say they didn't come up? 6 7 9 10 11 12 government or anything else. 13 14 Morning News? Were you aware of that? 18:00 15 16 17 18 pay too much attention to that. 19 20 21 covering this trial as a reporter? 2.2 23

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MR. JACKS: So in your meeting with the president of the mosque or the other people that attended this mosque and in doing this research, the circumstances surrounding the Holy Land Foundation did not come up? Can VENIRE PERSON: I don't remember any mention or discussion about the current matter that you are dealing with here. The Holy Land Foundation may have been mentioned or may not have. But that wasn't the focus of my story, and so you know, I have no memory of discussing the Holy Land Foundation or any involvement with the MR. JACKS: How about their lawsuit against the VENIRE PERSON: I was aware of it, but it wasn't something I paid any more attention to than other things in the paper. We got sued frequently. You know, I don't MR. JACKS: Do you feel like -- Let me ask you this question. Would you rather be on this jury or VENIRE PERSON: Well, as no longer a functioning reporter -- I think this is a fascinating case, and because I have no predisposition I would love to find out

what kind of evidence there is, what's going on here.

18:00 15

cover it as a reporter.

I have that natural newsman curiosity. It would be fun to

Having to sit in judgment is an entirely different function. There I function as an ordinary human being, and I'm not uncomfortable with that role, but I have to say I have great curiosity about what this case is about.

MR. JACKS: Do you feel that you would bring in more knowledge or different knowledge or special knowledge that another juror might not because you have been working in this field and done research regarding -- at least certainly related issues?

VENIRE PERSON: I would say because of my experience doing a few stories on the Muslim community, you know, that I have -- To me, these are human beings.

Some of them American citizens. I don't feel particularly threatened. They are not an unknown. I have read the Koran. It's not a mystery to me. So if you brought somebody here just cold, who knows what they would think of the whole subject? But I know a little more about it, and I don't feel particularly threatened or anything of that sort.

MR. JACKS: Do you believe that your life experiences in this area regarding this topic is something that will be beneficial in this case for you as a juror?

18:00 15

VENIRE PERSON: Well, I certainly think it would steer me away from any quick prejudgments as to whether the defendants are guilty or not. I think it actually frees me in a way that the average American who doesn't know anything about the Muslim community would not be free.

THE COURT: Mr. Jacks, your time has expired.

Mr. Marvel, it sounds like you know a lot more about this case than most of the members of the jury pool we have interviewed to this point, but out of an abundance of caution I am going to give you the same instruction, and that is this talking with the members of the pool from which the jury will be selected is an ongoing one that probably will last for another day or two. So until you hear from us again, you should not discuss the subject of this trial or allow anyone to discuss it with you. Also if there are any media accounts of the case, it sounds like you are less influenced by them than other people we have talked to, but I must instruct you nonetheless if there are such accounts that you must not read or watch or listen to any of them until you hear from us again. Thank you. You may be excused.

Ladies and Gentlemen, I think this probably be an appropriate point for us to interrupt our proceedings to take our overnight recess.

18:00 15

MR. JACKS: Your Honor, I would like to submit Mr. Marvel for cause. I believe the fact that he has done work as a reporter in this area and the fact that he knows one of the government's witnesses is grounds that should submit him for cause.

THE COURT: Mr. Westfall.

MR. WESTFALL: And the fact that he proclaimed without hesitation that none of that would ever affect his jury service, your Honor, we think is a sufficient ground to deny that request.

THE COURT: This is another one that I will take under advisement for the moment.

Mr. Jonas, you had said just before the noon recess that you had a couple of matters we needed to take up at the end of the day.

MR. JONAS: It's actually three matters, the first one regarding scheduling for next week, and we have consulted with defense counsel, and I believe I can speak for everybody on both sides. What we would propose to do especially in light of yesterday's order from the Court on the government's experts is not bring in the jury on Monday and Monday afternoon have a Daubert hearing for the government's first witness which would be Matthew Levitt. Tuesday bring the jury in, read the indictment, have the openings and give the Court's instructions to the jury.

18:00 15

We expect that would take a full day and then Wednesday start with the government's witnesses.

THE COURT: If I'm understanding you correctly you want to not be in session Monday morning, and then we would have a Daubert hearing for this first witness, Mr. Levitt on Monday afternoon, and then Tuesday would be devoted to reading the indictment to the jury after they are sworn in and given preliminary instructions and opening statements from counsel. Is that right?

MR. JONAS: Yes, your Honor, and given it is likely there are seven opening statements, I would expect that to take up the bulk of the day.

THE COURT: I guess my question about that schedule is why we don't start with the Daubert hearing on Monday morning? I'm just concerned if that takes longer than a single afternoon, then we are set back for the whole schedule that you have outlined.

MR. JONAS: Yes, sir. Only because the witness will fly down -- He's in Washington, and I understand that he would be unavailable on the weekend Sunday night to Dallas. So we are having him fly in on Monday morning. So he should be here mid-morning on Monday. So I was thinking after lunch.

THE COURT: Well, what do we do if it takes longer than Monday afternoon?

18:00 MR. JONAS: I don't think it would, but I 1 2 3 4 5 into testimony. THE COURT: Well, I in principal don't have any 6 7 9 10 11 12 13 14

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suggest starting out finishing the hearing first thing Wednesday morning, if there is anything left over, and as soon as we are done with the Daubert hearing go straight

objection to that, especially if counsel have agreed on it. But I will have to say that I would like to accommodate witness schedules. We have a lot of people involved in this case, as you can see, by looking around the courtroom. We have a lot of court staff. government is paying for most or all of this. And it just seems to me an awful lot to ask for us to shift our schedules around to accommodate the schedule of the witness just because he doesn't want to come down on That's my concern about it, and I am going to be unhappy if our schedule is thrown out of kilter because the witness was unwilling to come on the weekend.

MR. JONAS: I will check with the witness about the weekend, and I will let the Court know tomorrow. My understanding is he's going to be out of town on the weekend, and that's why he was unable to fly in.

THE COURT: All right. That was the first item. What is the next?

> MR. JONAS: The second involves an issue that

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has surfaced a few times over the last year or so, and the Court touched on it last week, and that is with regard to conflict of interest of Shukri Abu Baker and Holy Land Foundation being represented by the same counsel. government is concerned about the record. Coming out of Washington, I have practiced in different jurisdictions. Up there, what normally happens is the defendants are brought before the court, and the court itself questions the defendants regarding their understanding about the conflict and the waiver. In fact, I have had experience where the court will bring in outside counsel -- usually from the public defender's office -- to talk to the defendants themselves. In this instance, we have written waivers with the defendants, but we're uncomfortable that may not be enough to protect the record on conflict, and I understand the Court questioned Ms. Duncan last week about her understanding of the conflict. But we would be more comfortable if the Court questioned the defendants on this issue.

THE COURT: When you say the defendants, I'm not sure if all the defendants are affected. I have the impression that at least some of them are represented by only one counsel and that counsel in turn represents only one defendant. But there may be some other defendants who are represented by counsel who represent more than one

18:00 1 defendant?

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MS. JONAS: Yes, that's correct. This only affects the Defendant Shukri Abu Baker and Holy Land Foundation.

THE COURT: Like you, I would like to be sure the record is clear in that regard before we invest the amount of time that everyone has been talking about in this case, and so I do think that is something that I probably should question the defendants about personally, as I think Rule 44 of the Rules of Criminal Procedure actually requires. Like you, I have not researched the subject area at least recently on the Fifth Circuit precedent in that regard. But I think the Rule does contemplate that the Court will directly talk with the defendant about the issue of multiple representation. question I have, and I don't know if you are the right person to ask this question of, but it is my understanding that the Holy Land Foundation is a defunct corporate entity, and of course, any corporate entity for purposes of the Court complying with Rule 44 must be represented by a natural person, and I'm not sure since this entity I understand is defunct who will be the natural person representative of it.

MR. JONAS: That's a good question, your Honor.

Ms. Hollander informed me that the Defendant Ghassan

18:00 Elashi signed the waiver a few months ago on behalf of 1 2 Holy Land Foundation. That, of course, raises another 3 question as to whether or not there is a conflict with him 4 doing that. And I don't know the answer to that. 5 THE COURT: Counsel for any of the defendants 6 who are involved in this representation have any help for 7 us on this issue? 8 MS. HOLLANDER: May we have a moment, your 9 Honor? 10 THE COURT: All right. 11 MR. CLINE: Your Honor, John Cline on behalf of 12 Mr. Elashi. We're a bit puzzled here. We're not sure 13 what Mr. Elashi's status is with respect to the Holy Land. 14 May we have overnight and take it up first thing tomorrow 18:00 15 morning? 16 THE COURT: Yes, sir. I don't know about 17 tomorrow morning. If we have people downstairs waiting to 18 be interviewed, I don't know that I want to take the time 19 to resolve this issue while they are waiting, but if you 20 need overnight to talk about it, I would appreciate 21 whatever assistance you can provide. 22 MR. JONAS: Your Honor, one other quick matter. 23 I guess procedural. The government is going to be moving 24 to dismiss five of the counts, and our question for the

Court is on the indictment do you wish us to renumber and

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18:00 move up all the remaining counts or leave those blank? 1 2 THE COURT: Well, there again, I don't know that 3 I have a particular view on it. Have you consulted defense counsel about that? 4 5 MR. JONAS: We haven't had a chance to. We 6 certainly will. 7 I think it's our preference to leave the counts blank anD leave all the other counts in their place. 8 9 THE COURT: Well, I would say from what you have 10 told me that there are probably at least two possibilities 11 of how we could do this. One, we could, as you suggest, 12 renumber the remaining counts after the dismissed counts 13 are disposed of. Or we could simply redact the indictment 14 when the copies of the indictment go with the jury at the 18:00 15 end of the case for their deliberations. And I could give 16 them an instruction that they are not to be concerned 17 about what happened to the counts that are missing. So I 18 would probably be guided in large part by counsel's views 19 on this issue. 20 MR. JONAS: Yes, sir, we will consult with the defendants. 21 22 MS. HOLLANDER: Your Honor, on behalf of the 23 defendants, we do want them renumbered. 24 THE COURT: Did you say that was a possibility 25 as far as you are concerned, Mr. Jonas?

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MR. JONAS: I assume it's an option, yes.

THE COURT: Well, if you have no objection on behalf of the government and that's the way the defendants want to do it, I would say let's do it that way.

MR. JONAS: That's fine, your Honor.

THE COURT: Can all of that be done before the indictment is presented to the jury next Tuesday?

MR. JONAS: Yes. That should not be a problem.

THE COURT: I wanted to talk with counsel a bit myself. Just about the progress that we are making on the individual voir dire.

In general, as I did yesterday afternoon, I want to commend counsel for their use of the allotted time.

I'm trying to be conservative in the numbers I'm using here. I'm setting aside for the moment those persons for whom there is a pending challenge for cause and also those who have indicated themselves that they have a hardship or which counsel have arisen to say that they believe a hardship exists. And by my count, I think we have twenty people on this first list and another eleven people from the second list. So that would give us a total of 31. I can't remember if I ever said in the pretrial conference that we have had how many peremptory challenges I would allot for the alternates to be selected in this case. By rule, if we have a total of six alternates which I have

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already said is what I would want, the government would be entitled to three peremptory challenges and the defendants to three. But since we have six defendants in this case, I'm willing to increase the number of peremptory challenges to six for the defendants so that they will each have one, although they can collaborate in their use, as I said, with respect to the regular jurors. And I would then increase the government's number also so that they would have an equal number of six, and by doing that, the number of people we would need at a minimum for a pool before the striking of the jurors peremptory begins would be 31. Plus 12. I'm sorry. I misstated that. We need 49. Six peremptory challenges for the defendant and six for the government, and we need six persons to be alternates so that would be a total of 18. And it looks like the way we are going that we now have about 31. we are still 18 short. So I'm thinking that we probably will need to go at least until sometime during the day Thursday and maybe throughout the day on Thursday to reach this total of 49 and perhaps to have a few extras in the event that something comes up during the general voir dire. So I wanted to announce my intention to work on Friday if we still don't have a jury at that point, notwithstanding what I said earlier about our trial schedule, and once we start trial, it's my intention to

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take Fridays off, but I think it is important that we get a jury this week.

Do counsel have any comments about that or any different idea?

MS. HOLLANDER: Your Honor, you had previously informed us that if we didn't have the jury picked, we would use Friday of this week. So we are all aware that was a possibility. But I assume that if we do pick the jury by the end of Thursday, we're not going on Friday.

THE COURT: Yes. I would only do that if we need Friday to finish the completion of jury selection.

The other issue that's related to that -- And I think Mr. Stewart, the law clerk, may have already discussed this with counsel, but I wanted to be sure. My scheduling order -- going back a ways in the chronology of this case -- requested the voir dire questions be submitted by a certain date. Counsel requested relief from that deadline, and I granted that because once we had settled on this individual voir dire procedure, counsel said -- and I think with good reason -- that you really weren't sure what questions needed to be asked by the Court during the general voir dire session until after we had the results from this experience. I'm now thinking ahead to that general voir dire, and really a lot -- In fact, most of what I normally cover in voir dire has been

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raised by counsel in this individual questioning. So I'm not quite sure from my own experience what is left to be covered during the general voir dire, nor do I know whether you have submitted any questions for me to ask during that session. So if you have not submitted those questions, I am going to need them pretty soon so that I will be in a position to ask whatever questions remain.

MR. WESTFALL: Thank you, your Honor. We were told to kind of get you something in writing. What we would envision what you would do -- And we will certainly do that, but I think what everyone was thinking is the Court's general voir dire -- We have spoken about burden of proof and all of that, but certainly we haven't covered it like the Court would.

THE COURT: Well, I don't know that I in most cases cover it in more detail than you have here. I'm certainly willing to go over it again because it is a very important concept, but unless you have something more specific, you have generally covered it as well as I would myself.

MR. WESTFALL: I just haven't done it with every single juror. Thank you, your Honor.

THE COURT: If there is nothing else, Ladies and Gentlemen, we'll be in recess until tomorrow morning.

18:00 CERTIFICATION 1 2 I, Cassidi L. Casey, certify that during the 3 proceedings of the foregoing-styled and -numbered cause, I 4 was the official reporter and took in stenotypy such proceedings and have transcribed the same as shown by the 6 above and foregoing pages 267 through 532 and that said 7 transcript is true and correct. 9 I further certify that the transcript fees and format 10 comply with those prescribed by the court and the Judicial 11 Conference of the United States. 12 13 14 s/Cassidi L. Casey 15 CASSIDI L. CASEY UNITED STATES DISTRICT REPORTER 16 NORTHERN DISTRICT OF TEXAS DALLAS DIVISION 17 CSR NUMBER 1703 18 19 20 21 22 23 24 25

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